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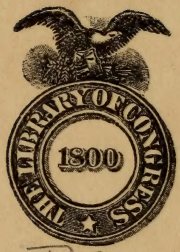

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THE MEMOIRS

OF

THE LIVES AND ACTIONS

OF

JAMES AND WILLIAM

DUKES OF HAMILTON AND CASTLE-HERALD.

BY

GILBERT BURNET,

LATE LORD BISHOP OF SALISBURY.

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TO THE KING.

May it please your sacred Majesty,

THE following history being a relation of your royal father's unsels and affairs in Scotland, I hope for an sy pardon of my presumption in offering it to your majesty. Your concern in a work that relates so much to the king, your blessed father, moved you to look on it, and read some parts of it; and after you had honoured it with a character too advantageous for me to repeat, you were graciously pleased to allow me your royal license, not only to publish it, but to address it to yourself: and therefore I hope your majesty will favourably accept this tribute of my duty, which with an humble devotion I lay down at your feet.

My zeal for your majesty's honour and service engaged me first in this work, and the same passion which I derived from my education, and still governs my heart and life, makes me now publish it. For nothing does more clear the prospect of what is before us, than a strict review of what is past, which I have laboured to make with all possible fidelity and diligence. I know I shall not escape censures, since few can bear a true and free history; but as I have set down nothing for which I have not authentic vouchers, so I have observed your majesty's "acts of oblivion and indemnity" as much as could consist with the laws of history, and have avoided the naming of persons upon ingrateful occasions. But no precaution can secure one from severe challenges that writes so near those

times, while many persons concerned are yet alive: yet, if your majesty continues to honour these Memoirs with your royal approbation, I shall easily bear them.

Sir, you have here a true account of the services and sufferings of two of your subjects, who dedicated themselves to your majesty's interests, and became sacrifices for them. The elder of these brothers had not the honour of being known to your majesty, yet he lost his life in your reign. The younger survived as long as he could serve your majesty: but when he saw his life like to be unprofitable to your service, it became uneasy to himself, which made him so prodigal of it in your own sight. And your majesty does his memory the honour of remembering him still with the highest expressions of esteem and acknowledgment which a king can bestow on a subject.

They had that unblemished loyalty conveyed to them from their ancestors as the entail of their family, which has always paid an uninterrupted fidelity to the crown, and they have transmitted it as an inheritance to those who have succeeded them, who have already given great demonstrations of most sincere and loyal duty to your majesty.

That God of his infinite mercy may preserve your majesty, and bless you with wise counsels, obedient subjects, and prosperous undertakings, and after a long and happy reign on earth may crown you with an incorruptible crown of glory, is the daily devotion of,

May it please your sacred majesty,
Your majesty's most faithful,
most humble, and most loyal
subject and servant,
GILBERT BURNET.

London,
21st of October, 1673.

PREFACE.

HISTORIES are of all books the most universally read: the wiser find matter of great speculation in them, and improve their knowledge by the experience these give them; and weaker persons make them their diversion, and entertain discourse with them. But most writers of history have been men that lived out of business, who took many things upon trust, and have committed many and palpable errors in matters of fact, and either give no account at all of the secret causes and counsels of the greatest transactions, or when they do venture upon it, it is all romance, and the effect of their imagination or interest.

And indeed the authors of all the histories that were written for near a thousand years together, being for the most part monks, there is no great reason to think they were either well informed or ingenuous in what they delivered to posterity, though there is perhaps no nation that is more beholding to their labours than England is.

Of all men those who have been themselves engaged in affairs are the fittest to write history, as knowing best how matters were designed and carried on, and being best able to judge what things are of that importance to be made public, and what were better suppressed. And therefore Cæsar's Commentaries are the most authentic and most generally valued pieces of history; and in the next form to these Philip de Comines, Guicciardine, Sleidan, Thuanus, and Davila, are the best received and most read histories (only the last hath failed in some particulars); for these men wrote of things in which they were considerable actors, and had great interest and good information. Next to these, those that have had the perusal of the cabinets of great ministers, and of public

records, are the best qualified for giving the world a true information of affairs. This makes the most celebrated history of the Council of Trent be received over all the world as a pattern of history. Strada and Grotius are also highly valued upon the same account.

But it has been commonly found that historians, being generally of a party, and having ends to serve, or being under the curb of procuring licenses, have accommodated their relation to the taste of those they intended to flatter, and so have corrupted the truth with the concealment of many things fit to be known, and, to make amends for that, have added as many sophisticating colours, to make the best things look ill, and to give some fair appearances to the worst things. And this has generally detracted so much from the value of history, that most people begin to neglect such books, for they do not believe that they write truth. And it is no wonder many are full of such prejudices at ancienter histories, for they reckon that men in all ages were pretty near the same temper they find them to be of at this day, and there is such foul dealing in the histories of our own time, and things that are so eminently false are positively asserted, that from thence many conclude all other writings of that nature are likewise to be suspected: only forgery and impudence has not now so much art to conceal or disguise it with as it had in former ages, since most of our late histories are written either in the style and strain of panegyrics or satires; which of all things an historian that would be believed ought to avoid most carefully; for naturally all people are apt to suspect interest or malice when they find much flattery or passion in a history.

Too much art does but disgrace it; for though father Paul has written his history of the Council of Trent in as flat and plain a style as was possible, and cardinal Pallavicini has adorned his with all the beauty of art and wit, yet there appears somewhat so native in the one, and so laboured in the other, that it does much prepossess the reader with an inclination to believe the one and disbelieve the other.

A short and concise style, though it succeeded wonderfully with Tacitus, and not ill with Grotius, yet by the common verdict of all men is judged not so proper for a history, which

should open up things fully, so as to be easily understood by every reader.

These common failings of historians have in this last age made people desire to see papers, records, and letters published at their full length. Livy begun the making of speeches in councils, and at the heads of armies, for statesmen and generals, and was much followed till within this age, that these things became universally distasteful; and instead of that which was but the issue of the writer's brain, the world desires nothing so much as to see the truth of things as they were really designed and acted, rather from some original papers, than from the collections or extracts of persons of whose fidelity or judgment they are not well assured.

Of all nations in the world the French have delighted most in these writings, so that the memoirs written in that nation and language since the days of Henry the Third would almost make up a library: and every year we get over new memoirs of some one great person or another. And though there are great indiscretions committed in publishing many secrets and papers not fit for public view, yet this way of writing takes now more in the world than any sort of history ever did. There is but one in this island that hath hitherto written in that method, and his collections are so well received that it gives great encouragement to any who will follow him in it.

And indeed it is a much easier thing to write in this way than any other, for when a man undertakes a history, he ought to be well informed of all that passed on both sides, and is obliged to publish every thing that is of importance for opening up the secretest causes and beginnings of great changes or revolutions; this being the chief instruction that men receive from history, by which they are most enabled to provide against and prevent mischief for the future. But he that writes memoirs from a collection of papers that are in his hands has no such ties on him, being only obliged to give a faithful account of such things as are in his papers; and where these fail, he is at no loss, but may well pass over such particulars as occur not to him.

For the lives of great persons, though it might have been expected that after the many excellent patterns Plutarch had left the world, those should have been generally well written,

yet there is no sort of history worse done, they being so full of gross partiality and flattery, and often swelled with trifling and impertinent things, so that it is no great wonder if this kind of writing be much decried and neglected.

I had all these considerations before me when I designed and drew this work, and therefore will be more guilty if I transgress the laws of writing history without partiality and passion.

The late civil wars of this island deserve a good and full history, as much as any transaction in any part of the world. For it was a strange and unheard-of thing to see a prince whose title was unquestioned, and who had great virtues and eminent piety, and was of the same religion with his subjects, and had never put any of them unjustly to death, so oppressed by a prevalent faction; and that a party which was not headed by any new pretender, nor under the united authority of any one person, but on the contrary was divided from the very beginning into two great factions, should become so successful, as to defeat him in the field, take all his garrisons, imprison his person, and in end put him to death openly, with a form and show of justice, many thousands of his lamenting subjects looking on; and that all this was done near so great and populous a city, which did universally pity his condition and abhor the crime, and yet not so much as one person made a tumult to oppose it.

The rise and progress of such a war is a thing which every one desires to be particularly informed about; for though many have published relations of those times on both sides, yet there is scarce any body satisfied either with the truth of matters of fact, or with their way of writing. But the first beginning and rise of the civil wars having been in Scotland, from whence they moved southwards, there can be no clear understanding of what followed until these first disorders be truly stated.

This made me oft wish that some moderate pen were employed in giving a just and true relation of the reign of the late king. I was myself pretty early acquainted with a great deal more of the truth of these affairs than is generally known, having had the blessing of my father's conversation for many years, who had been a very exact observer of all

that passed. He was also much importuned by men of all sides to write the history of those distempered times, being esteemed a person of great moderation and candour; who, as he had his breeding in the law, so lived in great friendship with the most eminent persons of both persuasions: for before the troubles began he was accounted a malecontent, but he did afterwards give such signal demonstrations of his loyalty, that he was put from his employment, and made to take a voluntary exile on him, which was granted him as a great favour by the covenanters, who generally had much kindness for him, for all his being so contrary to their way. And Warriston, his brother-in-law, in whose hands were all the original papers of the covenanters' side, offered them to him for his assistance, if he would undertake it; but he was overgrown with age and infirmities, and so could not set about so difficult a work. But I received from him such informations as made me look on most of the writers of those times with indignation, who were either utterly ignorant, or so basely partial that matters of fact are falsely represented, and the whole counsels and secret contrivances either quite passed over, or so palliated that there is very little truth in the relations they have made.

And particularly, I wondered to find James duke of Hamilton represented to the world with such foul and base characters, as if he had been a monster both for ingratitude and treachery, though he had laid down his life for the king and involved his estate in vast debts for his service. It seemed to me the greatest injustice in the world, that one who served his prince and his country so long and so faithfully, and sealed all with his blood, should not only be deprived of the honour due to his memory, but that a company of ignorant and impudent slanderers should do what they could to attaint his blood and family, by the black imputations they have cast on him, and that this should pass current without any vindication.

This made me resolve, if ever I could meet with such instructions as might direct me well to write an account of the late troubles, and in particular to give a true and clear relation of that duke's concerns, to set about it. I knew well the temper of those who were most severe in their censures on him, to be a violent and hotheaded sort of people, who were

for nothing but fire and sword, and yet knew not how to do much more than to drink and swagger; and therefore, as I was naturally inclined to disregard their blusterings, so I was apt to think his counsels must have been moderate for tempering the eagerness of other men's passions, which did enrage them so much against him; so that they having dispersed many false stories of him, these were easily received by our scribbling historians, and have been made use of to poison the truth of the history.

It is such a natural and constant effect of passion to carry men to extremes, that it is no wonder if those who had more temper and foresight, and studied to heal the breaches, and followed more moderate counsels, were hated on both sides; for in all times the moderate party is the weakest, and has most obloquy cast on it from all hands.

I also thought that I could not do a greater service to my country than to inquire into the whole course of the late civil wars. And I knew there were none so eminently employed as the two dukes of Hamilton, the one having been the king's high commissioner in the beginning of them, and the other the secretary of state in the sequel of them: therefore it was certain, that if their papers had not been destroyed in the common fate of Scotland, I could not find a clearer thread to direct me than from them.

I shall not deny that I had many preengagements on me to have a high value of that family, both from the great worth of those who now represent it, and from the unblemished fidelity their ancestors have always paid the crown, and their constant affection to their country; so that since the first greatness of it in king James the Third his days, who gave his sister in marriage to the lord Hamilton, they were never in any rebellion against their king, nor did they ever abuse their prince's favour to be a grievance to their country.

And though they stood next the crown for fifty years together, from the year 1543, that king James the Fifth died, till the year 1593, that prince Henry was born, during all which time there was none but queen Mary and king James of the royal blood: yet all that while their deportment shewed that they had no other design but to serve those princes with all possible fidelity and zeal. And though Scotland was then much

distracted with intestine broils and disorders, yet they never set themselves at the head of any faction, nor departed from the interests of the crown.

When king James the Fifth died, he left his only daughter, queen Mary, but a few days old, and the government of Scotland fell by right to the earl of Arran, being her nearest kinsman; and if such an ambition, as the enemies of that family have pretended was hereditary to it, had been lodged in him, he would never have let such an opportunity of raising himself slip out of his hands. But he was a person of great justice and candour, and set nothing before his eyes but the public good: so that archbishop Spotswood tells of him in his history, "that in his court there was nothing seen that the severest eye could censure or reprove. In the public government such a moderation was kept, as no man was heard to complain: the governor was reverently obeyed, and held in as great respect as any king of preceding times." It is true, he was of too easy a nature, and his base brother, who was afterwards archbishop of St. Andrew's, had great power over him, which did much prejudice his reputation.

In the disposing of the queen in marriage, he had much to have said for himself if he had married her to his own son, who was but a few years older than the queen: but he shewed he designed her greatness more than his own, and perhaps more than the true interest of his country, for I am far from thinking that he carried himself wisely in that, when he consented to send her to the dolphin of France, afterwards Francis the Second: in acknowledgment of which he was made duke of Castle-herald (or, as it is pronounced by the French, Chastleherault) by the French king.

After the death of Francis the Second, when queen Mary returned into Scotland, the duke of Castle-herald had again great advantages, if any such desire of power had governed him: for the reformation had then prevailed in Scotland, and he and all his family, except his youngest son, lord Claud, (from whom descended the earls of Abercorn,) were protestants; so that to have put himself at the head of that was the likeliest way to have advanced his own designs: but it appeared that he and his sons embraced the religion, not for faction, but out of conscience, for he continued true and faithful

to the queen to the last; of which she was so sensible, that (beside many public testimonies of her confidence in them, such as the naming the duke of Castle-herald her adopted father, and calling him still by that name, and the referring her whole concerns, when she was a prisoner in England, to his care,) when that severe and unparalleled sentence of death was to be executed on her, she took a ring off her finger, and gave it to one of her servants, and ordered him to carry it to her cousin, lord John Hamilton, who then represented his father that was dead, (his elder brother being sick of a phrensy,) and tell him, that that was all she then had to witness her great sense of his and his family's constant fidelity to her, and of their suffering for her interests; and desired that it might be still kept in the family, as a lasting evidence of her kindness to it, which is preserved to this day.

Nor was their duty to the crown at that time easy or cheap to them, for the contrary faction designed to root them out of Scotland; and therefore in one of their mock parliaments their blood was attainted, and their estates and honours were afterwards given to other persons, and they were forced to seek shelter in England and France, till king James came to govern by his own counsels; and then being also pressed to it by the intercession of queen Elizabeth, he restored them to their honours and estates, and created lord John Hamilton marquis of Hamilton, who was grandfather to the two dukes whose Memoirs I now publish. King James did also treat him with the same respect that the queen his mother had done the duke of Castle-herald, and called him always father; and wrote to him often with the greatest freedom and familiarity that was possible: and when that king went to Denmark to bring home his queen, he named him lord-lieutenant of the south of Scotland, and left for him a letter (yet extant) full of great esteem and kindness, to which he added this postscript with his own hand:

My lord, if my constant trust had not been in you of your great love towards me, I had not thus employed you upon such an occasion; therefore I assure myself you will not frustrate my expectation.

He also called him to christen one of his children, and continued to the last to put great confidence in him. That lord

did indeed deserve to be so used by him; for as he had with an invincible patience and loyalty submitted to the hard usage he met with during that king's childhood, and for some years after, so he made no stirs nor disturbance, but that little that was at Sterlin, anno 1585, so that when he was admitted to the king's presence, the king said to him, "My lord, I did never see you before, and must confess, that of all this company you have been most wronged; you were a faithful servant to the queen my mother in my minority, and, when I understood not as I do the estate of things, hardly used." And though he was frequently invited by the violent church party to head them in their mutinous courses, yet he would never engage in it. And when that old lord was dying, as he was giving his blessing to his son, and reckoning up the most signal favours of God to him, he named three more particularly. The first was, that during all his troubles, and notwithstanding the great offers were made him in France by the house of Guise, if he would change his religion; yet God had never left him to do so base a thing, though he lost his interest in that court by refusing it. The other was, that he had never oppressed any of his vassals and tenants. And the third was, that he had never entertained one thought contrary to the duty he owed the crown, and that no hard usage he met with had ever prevailed on him to any such design, and therefore charged his son on his blessing to continue in the same courses.

All this I thought needful to be said for the honour of that family, because Buchanan studied with much art and industry to cast an eternal disgrace upon it. For as he from being a great flatterer of Mary queen of Scotland (which may be seen in his dedication of his incomparable Paraphrase of the Psalms to her) became her mortal enemy, and partly by lies, partly by his cruel aggravating of some unjustifiable things, has written the history of her reign with so much malice, that his work stands condemned as a base libel by an act of parliament in Scotland; so, being provoked by an injury which a servant of the duke of Castle-herald's youngest son did him, of which he thought he got not sufficient reparation, and carrying a spite to them because they adhered to the queen's interests, he wrote of that family with the most impudent and virulent

malice that was possible. And his admirable style of Latin, in which he is inferior to none that wrote since the days of Augustus, has made all foreigners take their informations wholly from him; and the collectors of the general history of that age do for the most part draw all the account they give of Scottish affairs out of him; by which that family hath suffered much in the opinions of foreign nations: so dangerous it is to provoke one that has much malice, and can write a history so that it shall take with the world.

But that writer contradicts himself so often in what he says of that family, that small regard is to be had to it. And Lesly bishop of Ross, privy councillor to Mary queen of Scotland, who wrote the history of that time, and bore no great good-will to the duke of Castle-herald and his children for being such promoters of the reformation, speaks always of them with a great deal of honour and justice.

For the father of those dukes, he was, as archbishop Spotswood truly calls him, a nobleman of rare gifts, and fitted for the greatest affairs, and was most universally beloved by all his countrymen: he was a very graceful and gallant person, and of a most agreeable conversation, and very obliging, and so did recommend himself to all sorts of persons. King James finding him excellently qualified, brought him to court, where he made a great figure the rest of his life.

All these things concurred to make me very desirous to see whether the late dukes had continued in those steps their progenitors went in, or had departed from them; therefore I told the duke and duchess of Hamilton that now are, that if I might have the favour and trust of perusing such papers as remained in their hands I should do my endeavours to make the best use of them I could, upon which they were pleased to send them all to me. The collection was great, and in as great disorder; yet by a little care I brought them into some order, and found I had very authentical and full materials for a greater work than I had at first designed: but having read many scandalous pamphlets that had charged these dukes in divers particulars with an equal degree of injustice and malice, I found it necessary to inquire, as far as their papers could carry me, into the truth of these reports, which forced me to be more particular than had been otherwise needful. And

yet I hope the reader shall have no great cause to complain of my tediousness, but that he shall find an entertainment through the whole work that shall not be unpleasant to him.

I have opened the intrigues and counsels of those times as clearly as I could. This, some that perused the work have censured much, as a disclosing the secrets of government, and because in some places errors of government are neither concealed nor palliated: some advised me to pass these over, and not insist on them: but with this I could by no means comply, for I know no good that history does the world so much as the making posterity the wiser, both by shewing the faults of ministers that raised the discontents, and the follies and madness of those who put all in confusion to get grievances redressed. For the jealousies that were conceived, either from the ill opinion of ministers, or the consciousness of their own guilt, made the fomenters of those troubles think that neither concessions nor pardons were a sufficient security, but that as soon as the country and government was settled, what they had done would be remembered and punished, and did drive the faction much further than it seems they intended at first.

All this I wrote with the more assurance after I had presumed to tell his majesty, that since I was writing of the late times I found it necessary to set down some errors that were committed even by some of the ministers of the king his blessed father, and I could give no true account of matters if these were not likewise related: upon which his majesty most graciously told me that such things were unavoidable in a history; and therefore he allowed me to tell the truth freely.

Upon so gracious a permission, I was the more emboldened to lay open things clearly, and to trace the troubles of Scotland to their first beginnings. It is true, there were some things that had much influence on people's minds, of which I have given no account, having found no papers in this collection to direct me in them: and these were the whole progress of the design for the resumption of the tithes into the crown, and the restoring them to the church, with all the steps that were made in it; which was so nice a point, and had so much of the subtilties of law in it, that I did not think fit to meddle with it, especially it not lying before me in these papers, nor having any relation to the concerns of

these two brothers. The other was the proceeding in parliament anno 1633, when his late majesty was crowned, with the petition that was afterwards drawn, for which the lord Balmerino was tried, and found guilty, and had sentence of death passed on him. Then did the party begin to be more united, and secret engagements were given either to rescue him by force or to revenge his death, upon which the earl of Traquair procured a pardon for him; but from that time the date of the confederacy of that party is to be reckoned, and though it lay quiet for some years, yet it was still fermenting, which made it burst forth upon the crisis that afterwards appeared. They were also much encouraged to all that followed by the informations they had of the malecontents in England; for a gentleman of quality of the English nation, who was afterwards a great parliament man, went and lived some time in Scotland before the troubles broke out, and represented to the men that had then greatest interest there, that the business of the ship-money and the habeas corpus, with divers other things, of which there was much noise made afterwards, had so irritated the greatest part of the English nation, that if they made sure work at home, they needed fear nothing from England. And of this the duke of Hamilton, who had lived so many years in England, could not be ignorant: for so great a disease in the body politic as a civil war does not break out on a sudden, but there go before it many symptoms, which are well discerned by men of judgment and foresight; the matter must be brought to the nature of tinder or gunpowder before a spark can set it on fire. And it was the prospect he had of what was like to follow in England if once a war begun, that made him employ all his endeavours to carry the king to as full concessions as he could possibly obtain. This, to such as do not reflect on the state of England at that time, may perhaps appear mean, or malice may give it a worse character. But as no sort of provocation will justify any man, though of the clearest courage, that will go and fight with a sword loose in the hilt, but he must be concluded rash and inconsiderate; so the duke, knowing the disjointed condition of England, and apprehending that by all appearance the war would be unsuccessful, and that the demands of the faction would then grow higher, did as became a wise and faithful minister in trying

all the ways he could think of to settle matters before there should be any breach; since the keeping the kingdom in quiet, though upon terms which had been hard to the king and derogatory to his authority, was much to be preferred to a war that was like to prove fatal to the king and kingdoms.

For all that while the affection of the English to the party in Scotland did discover itself in many high expressions, which others could not but see, and the king sadly, but too late, felt afterwards; for princes most commonly see such things last of all their people, their pretending flatterers, who are in truth their greatest enemies, keeping up such advertisements from them as long as can be, as if one out of fear to awaken his master should let him sleep when his house is on fire, till it were scarce possible for him either to quench or escape the flames. All these things concurred to set on the hot zealots to begin the troubles that ended so tragically in the murder of the king and slavery of the nations.

And therefore nothing seems more needful in our present circumstances than to represent those things truly, that ministers, on the one hand, considering the ill effects that followed on a stretched prerogative, and the people, on the other hand, apprehending the dismal consequences of tumults, jealousies, and civil war, there may be such an universal harmony between the king and his subjects as may rejoice all good men, and disappoint and confound all the enemies of our peace and happiness.

But all those things not being yet so fully clear to me, and not lying in the papers that were in my hands, I have given no account of them in this work, which I confined to the negotiations of those two brothers, whose papers I perused. Nor have I written any thing of the affairs of England, further than was necessary by their relation to and intermixture with those of Scotland: and though there are very considerable papers in that collection, that were sent to Scotland, both from the committee of both kingdoms and from some eminent men of both houses, yet there is not a continued thread in them, and therefore I have published none of them. Nor have I drawn down my relation further than Worcester fight, where the younger of these brothers lost his life: for though I have been much pressed to write a full history of Scotland

from king James's death, where the most reverend Dr. Spotswood ended his so much and so justly valued history, and to bring it down to the present time, yet I will see how the world is satisfied with what I now publish, before I give myself and others more trouble of this sort.

At first I wrote this work historically, and only drew the most material heads and passages out of the papers that lay before me: but that noble and judicious gentleman, sir Robert Murray, to whose memory I owe the most grateful acknowledgments that can be paid by a person infinitely obliged to him, and that did highly value his extraordinary parts and rare virtues, gave me such reasons to change the whole work, and to insert most of the papers at their full length, that prevailed on me to do it; and when it was written over again, as I now offer it to the world, he was so much pleased with it, that though I know the setting down his words would add a great value to it among all that knew him, yet they are so high in the commendation of it, that I cannot but conceal them. Some have wondered to find fewer of the duke's letters here than of other persons'; but the truth is, these are so full and so particular in the advices and advertisements he wrote to the king, that it was by no means thought fit to publish too many of them, though the originals of them are yet extant, being written on the back by the king's hand.

The vouchers of this whole work lie at Hamilton, where curious persons may both be satisfied about the truth of what is now published, and about many other very important things, from which I drew these Memoirs: only in a few particulars, for supplying some defects, I was forced to seek informations from persons of great honour and worth.

My writing from such vouchers was the cause that sometimes the angry language I found in letters did slip into my pen. I know there is nothing that does more misbecome an historian than to mix passion with the account he gives; and so I studied to cleanse this work from it all I could, and read it over once or twice to throw out all those angry words which I had mixed in it carelessly, having among other things copied them from the letters that were in my hands. But upon a further review, I find that some of these reflections do still remain, for which I am very sorry; but I can assure the reader, I had

no design to leave needless imputations on any persons, for I took great care to write with all possible respect and caution, even of those who were the greatest enemies that both these dukes had: and those that know the present circumstances of that family, and of the writer himself, will find that no resentments for any hard usage they have met with has biassed him from what becomes an honest man and a faithful historian.

I thought it unworthy of my pains to set down and confute those base and malicious calumnies which fill many books that pass for the histories of the late times. The truth of this work is a fuller confutation than any other could be. These writings indeed made me examine all the duke's papers more carefully, particularly the copies of their letters to their nearest and most assured friends, with the letters they received from them: most of these were written in cipher, and the deciphering of them was no small trouble; yet I resolved to spare no pains that might give me a full satisfaction about their most secret correspondencies. But after all that search, I was still more and more confirmed of the great integrity of their professions, and of their constant fidelity to the crown.

I publish these Memoirs with the more confidence, because they having been seen and perused by divers of the most considerable and most intelligent persons of both kingdoms, either they went very far with their civility and compliment, or were well satisfied with them.

I shall enlarge this preface no further, but desire that all the faults in the style or way of writing may be charged only on myself, and may leave no imputation on those worthy persons whose actions I relate, nor on those who now represent them, since they deserved a far better pen to be employed in writing their history. All that is good in this work is only from them, and all that is evil in it must fall entirely to my share, and I alone must bear it. They have suffered too much already from the malice of their enemies; it will therefore be very unjust to make them suffer more for the indiscretion or weakness of an ill writer. I shall not stand longer on laboured and formal apologies, which are more used to shew the wit of the writer in making them gracefully, than from any humble opinion they have of their own performances who make them.

If I have not done this to the best advantage, it is because I could do it no better; for the importance of these transactions, the merit of the persons, and the great honour I pay the family, and the duke and duchess of Hamilton that now are, made me judge it very well worth all the application and industry I could bestow upon it.

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MEMOIRS

OF THE

LIFE AND ACTIONS

OF

JAMES DUKE OF HAMILTON.

BOOK I.

Of what happened from his father's death till the year 1638.

1 JAMES marquis of Hamilton died at London in March, 1625, and was succeeded in his honour and fortune by his eldest son and heir James, afterwards created duke of Hamilton, whom his father had brought with him to England some years before, and was then in the eighteenth year of his age, and sent to prosecute his studies at Oxford; from whence he was called to see his father die, and came in time to receive his last advices and blessings. Thus died that great and illustrious person in the flower and vigour of his age, being then but thirty-six years old.

2 He was in great esteem in both kingdoms, equally dear to the sovereign and the subjects; and it was certain no person could have disputed with him the king's affection and confidence, the duke of Buckingham only excepted. His serving as commissioner for the king in the parliament 1621 had much lessened his interest in Scotland; for these five articles of Perth, (where the assembly of the church that settled them was held,) commonly called *the Five Articles*, were generally so odious, that his carrying the settlement of these in parliament drew much dislike from all that party which was

then called *Puritan:* but his carriage in that parliament gained him as much trust and favour with the king as ever man had. The king created him earl of Cambridge, a title that was never conferred on any but such as were of the 2
royal blood; he made him also knight of the garter, and lord-steward of the household. King James was likewise glad to see his friendship for my lord marquis and his family like to prove hereditary by the kindness he saw growing up with the prince for his son; in whose youth there was an agreeable sweetness, which gained an early room in the prince's affections, and took so deep rooting there, that nothing was ever able to deface it: and as he had the honour to be the prince's nearest kinsman by the royal blood of Scotland, so he spent several of his younger and more innocent years in his company; and when the prince was in Spain, he made one of that honourable train that went to wait on his highness.

3 But since the following narration is to be filled with great and considerable transactions wherein this marquis was so eminently engaged, I shall dismiss such particulars as were of less concernment, and therefore at one step shall leap over the whole tract of his youth; neither shall I interrupt my narration of public matters with accounts of his personal and domestic affairs, which shall be referred to one place, in which, as I give his character, such of those as are fit to be made public shall be mentioned: neither will I here offer any further account of his father but what shall be the matter of the whole following history, which is, that he was the father of two such excellent sons.

4 King James, as he received the tidings of his death with much grief, so he prophetically apprehended that as the branches were now cut down the root would quickly follow; for the duke of Richmond died about the same time likewise. This marquis's death was followed with an universal regret, and I find divers of the English nobility, in their letters to his son, expressing their affection and esteem for the father in terms beyond the cajolery of civility or compliment. The loss of so great and such a tenderly affectionate father meeting the sweet disposition and dutiful love of the son, could not but prove very afflicting to him; but this private grief was followed by a public calamity, brought upon these kingdoms

by the death of king James, on whose character I shall not adventure, since it is without the lines of my work.

5 The marquis sent down his father's corpse to Scotland, where it was nobly interred in the burial-place of that family; but could not follow it himself, being obliged to wait and assist at the coronation of king Charles the First, which shortly followed, where he carried the sword of state before the king; and he found the crown had rather heightened than lessened the new king's affection for him. But within a little he resolved to return to Scotland to look to his own affairs, which were in great disorder by his father's magnificent nobleness, who, notwithstanding his being lord-steward, and the benefit of other places he enjoyed, had far outrun himself at court. But indeed his son had too much of his own temper, and was too generous to be very frugal. During his absence from court, his majesty's affection for him appeared not only in his ready granting of every thing was moved for his advantage, but in the kind letters which upon different occasions he wrote to him with his own hand, (not to mention the many public ones he got upon all occasions.) In one of them the king writes:

6 JAMES,

The reason why your business is not yet settled is, that this long 3 time I have attended the coming of him yourself thought fittest to be trusted in it; he is now on the way, and shall no sooner be arrived but the direction shall be given, as I have already promised you. I doubt not but your want forced you to leave me, but mine shall not hinder me to help yours; and I am sure likewise, that as you see I do not forget your turns, you will at this occasion of the late commission I have sent down shew yourself forward in mine. So farewell.

Your constant loving friend,

Newmarket,
4 *March,* 1627. CHARLES R.

7 In another he writes:

JAMES,

Having (as I hope) dispatched your business, I must tell you it was ill-luck and not ill-will that made it so long a-doing, and likewise of the importunity of a house of women for calling you hither: but it may be the company of some where you are will make you give a negligent ear to those that are here; yet I doubt not but

when you know (as these lines do assure you) that you cannot come before you shall be welcome to your best friends here, that your stay will not be long where you are. So referring you for other business to the bearer your man, I rest

The first day of the year, 1628. Your loving constant friend, CHARLES R.

8 But the marquis excused himself upon the great encumbrances were on his fortune, which made it impossible for him to live at court in the rank that became his quality; he seemed also at that time to be in love with a retired life, and spent much of his time in the isle of Arran. It cannot be denied to be without example, to see a king entreating his subject to accept of the favours and honours he designed for him, when he was with much humble modesty declining these royal offers. But as the king pressed his return to court very earnestly, he was likewise solicited to it by a great many of chief rank there, and by none more warmly than by the duke of Buckingham, with the greatest and heartiest offers of all the friendship and service he could do him: yet he continued in Scotland till the end of the year 1628, and all the while kept himself at a distance from public affairs, not meddling in any thing beyond his private concernment; 4 but his sweet and obliging temper took exceedingly with all people.

9 In the end of the year 1628 his father-in-law earl Denbigh came down to press his return to court, with a new and kind invitation from the king, expressed in the following letter:

HAMILTON,

I have taken this occasion by Denbigh's going to affirm to you, under my own hand, the message Traquair brought to you from me. I need say little more at this time, because according to your letter I look that you should be quickly here, which again I assure you will be well done. So referring you to your father Denbigh, I rest

Hampton-Court, 25 *Sept.* 1628. Your assured constant friend, CHARLES R.

10 The earl of Denbigh brought also with him from his majesty the offer of the master of the horse his place, which was fallen by the murder of the duke of Buckingham. This earnest and noble message, brought and enforced by such a bearer, could be no longer refused; therefore in the end of

the year he went to court, where he was presently made master of the horse, and gentleman of the king's bedchamber, and privy councillor in both kingdoms: and the king used him with so much tender kindness, that his carriage to him spoke more of the affection of a friend than of the power of a master; he called him always James, both when he spoke to him and of him, as an expression of his familiarity with him; and it was presently observed by all, that none had more of the king's heart than he possessed. But as high favour with a prince is ever attended with envy and jealousy, so he missed not his share of it from those who were looking on him as the rising favourite; though as he bore that character worthily, he managed it prudently, for he neither studied to engross things to himself nor his kindred: he grew not insolent upon favour, nor impatient of competitors; neither did he obtrude himself upon the management of particular affairs, but did rest satisfied with the royal marks of his master's favour, which upon all occasions were poured on him liberally.

11 The great design which at this time possessed the king wholly was about the affairs of Germany, and the recovery of the Palatinate, with the rescue of his sister and her posterity from the ruin which was not only hanging over them, but had already overwhelmed them.

12 I need not here resume the too well known occasions of these troubles, nor tell how the wars of Boheme first began, nor how the prince elector Palatine being chosen their king, did by accepting that crown involve himself and all Germany in a tract of the most lasting and bloody wars that have been heard of. The new elected king was scarce well settled on his throne, when it was not only shaken, but overturned; and the emperor, with the assistance of Spain and the duke of Bavaria, who was thirsting after his cousin's dignities and dominions, was not content with the recovery of his own dominions, but carried his conquering eagles into the Palatinate; which not being able to resist so powerful an invasion, was forced under his obedience, and the electoral dignity was by the emperor afterwards translated to the duke of Bavaria. King James was very much displeased with his son-in-law for engaging in the affair of Boheme, but could not be unconcerned when he saw the ruin of his family following

upon it; yet his inclinations to peace overruled his other resentments, and his hopes to prevail by treaties made him still delay entering into action; for at that time the treaty of the match with Spain was on foot, and the king was abused by the Spaniards, and made believe the Palatinate should be again restored: but his slowness in that missed not the severe censures of all Europe.

13 King James left his crowns and designs to his son, who judged himself bound by all ties, divine and human, to see to the recovery of the Palatinate, and the stopping of the imperial success, which by a great torrent of victories was become formidable and burdensome to all the princes of Germany; yet the opposition the king met in some parliaments, which were dissolved soon after their meeting, made his designs go on slowly. But to ravel no further into matters without the lines of this narration.

14 The marquis was no sooner at court but the queen of Bohemia recommended the care of her affairs to him, as the person (being her nearest kinsman and best known to her) in whom of all that were about her brother she confided most; and as during the king her father's life she had employed none so much as his father, so she did entail that trust upon the son: and indeed in all her letters to him (hundreds of which remain) she continued such expressions of genuine and frank kindness, as shew she never thought she had misplaced her trust.

15 At this time the king of Sweden being provoked with a desire of glory, and led on by the aspirings of a great and generous mind, resolved to adventure on that which had been fatal to all who had attempted it, and to oppose the emperor's designs, declaring his resolutions were to deliver Germany from the yoke of tyranny, which was beginning to be twisted about their necks; but fearing his own strength was not able to compass so great a design, much of his confidence was grounded on the assistance he expected from the king. Therefore, as by his own ambassador the lord Spence he solicited his aid, so he employed the king of Bohemia to interpose with his majesty for his assistance in the prosecution of that great affair; who pressed it with much earnestness by his agent Curtius, representing that now or never was the

time that it should appear to the world what effects he might look for from his alliance: and the king was resolved in good earnest to advance that design, but judged it not fit for himself to own it in his own name at first, for some reasons of state; a chief one being, that his ambassador in Germany, sir Robert Anstrother, was entertained at that time with some hopes of the restauration of the Palatinate, though that was judged to be without any other intentions but to cajole the king, and so keep him from concurring in the Swedish 6
designs. His majesty finding it not convenient to appear in it himself, resolved it should pass for the voluntary assistance of his subjects, to which he should only give way, and made choice of the marquis for the person in whom he had the greatest confidence of his zealous pursuing his designs upon the Palatinate. Whether this motion came originally from the king or not, I do not see, or if it was the desire of the king or queen of Bohemia, which seems more probable; for the Swedish ambassador did first move it, and pressed it with much earnestness: others suggest that it came from some of the marquis his enemies, who envying and suspecting his rising greatness, and seeing no possibility of lessening his interest in the king's affection that was daily growing, judged this honourable proposition would once set him a good way from the court. There was too much of honour in this proposition to be rejected by the marquis, and his age being at that time pronest to a thirst of glory, he could not but be hearty in the undertaking, though the ruin of all, who had hitherto embarked in that design, gave but small encouragement to any who should engage in it; yet the great renown of the Swedish king, together with the fears into which all the princes of Germany were now driven, which rendered them almost desperate, made the attempt look more promising than formerly: but the marquis's duty to his master, and his affection to all his interests, chiefly those of his only sister, made him with alacrity accept that employment. One thing was certain, that which way soever the first proposition of this was made, it came not from himself; for if the king had known or suspected it to have flowed from him, it would have appeared afterwards when the calumnies to be related were under examination, or when the marquis was a prisoner: but no such thing ever dropped from his majesty.

16 In the end of the year 1629 the marquis according to the king's orders sent colonel Hamilton, brother to the earl of Hadington, to the king of Sweden with a general offer of his service, and his resolution to come in person with a considerable force, to join with him in his noble enterprise for the liberty of Germany. This had a very kind reception from the king of Sweden, for at that time the valour of the Scots was so great, and that king's value of them so high, that he welcomed the proposition with a sincere heartiness; and as he wrote a very kind answer to the marquis, (which with many others of his letters is yet preserved,) so he sent him a commission to be general of what army he should raise for his assistance.

17 Upon this the marquis sent one David Ramsay, a gentleman of the privy chamber, to agree the conditions upon which he should embark in the Swedish design. This Ramsay was one in whom he had no interest at all, neither can any account be given what he was, save that there is a letter from the king of Bohemia in my hands, wherein he recommends him to the king as one who had served him faithfully in Germany; he therefore, as being acquainted with the German language and affairs, and zealous for the king of Bohemia's service, was made choice of for this negotiation: but for the marquis to have made this man, who could be no longer known to him than since he came last to court, a confident in so great and desperate a resolution as was afterwards fastened on this employment, it had the same likeli- 7
hood which was in the rest of the calumnies wherewith his innocency was attacked.

18 Colonel Hamilton, who had stayed with the king of Sweden and Mr. Ramsay, agreed with that king on the following conditions, which I set down faithfully translated from the original, which is in Latin:

We Gustavus Adolphus, by the grace of God king of the Swedes, Goths, and Vandals, great prince of Finland, duke of Esthone and Carel, and lord of Ingria, &c. to all and sundry whom it concerns, make it known and certain, that whereas the illustrious and our sincerely beloved lord James marquis of Hamilton, master of the horse to the most serene king of Great Britain, out of his zeal for the public good, and for acquiring eternal fame, hath resolved to dedicate himself and the fortunes and forces of all he is

concerned in, for restoring our oppressed friends in Germany, and for that end hath offered to us by the illustrious and our sincerely faithful colonel Alexander Hamilton his fidelity and service, and that he will on his own expence gather a strength of six thousand men, and bring them over, as soon as may be, to any place we shall appoint, either against the imperialists, or any other of our enemies, and maintain them on his own charge, and do us all faithful and vigorous service with them, till this great affair be brought to a good issue, provided we shall authorize this his design with our protection, and give him the underwritten assistance: therefore, there being nothing dearer to us than to make all vigorous resistance to the common enemies of liberty, and having in high estimation the brave undertakings of generous men, we not only would not reject, but have heartily embraced the nobleness of so good resolutions: we have therefore admitted, like as by the vigour of these presents we admit, the said lord marquis into our service, armies and military counsels, on the following conditions:

First, whenever he shall signify to us that he is ready to bring over his forces, we shall assign him a place for his landing, either to come and join with our armies, or to make an impression elsewhere, as we shall think fit.

Next, if we appoint him to land in any place from whence he shall not come straight to us, we shall, for strengthening his forces, send to the place we shall assign for his landing four thousand foot out of our armies, whom we shall furnish with all necessaries, and maintain on our charges a whole year.

Thirdly, because the said marquis thinks two thousand horse are necessary for his foot, for whose levy and pay he promises all assistance; we shall therefore think of all ways and means for raising and maintaining these.

Fourthly, we not only give the said illustrious marquis the absolute command of this army in our absence, but shall also join to him a counsellor with whom he may consult in all things, that so his deliberations be more expedite and clear.

Fifthly, whatever the illustrious lord marquis shall take from the enemy, the lands and territories shall belong to us, but the revenues and all the emoluments shall go to him, and to the relief of his army; yet so as these revenues shall be gathered decently and in order, without depredations or plunderings; since our design is not to oppress those who have been already enough pressed, but rather to deliver them from the oppressions of others, as much as by the Divine assistance we can.

Sixthly, that the marquis may more effectually perform what he hath bravely resolved, and may sooner make those warlike instruments of his own invention, on which he relies much in his expedition, we shall not only with the first occasion furnish him with a 8
hundred ship-pounds of crude iron, but shall also assign hammers for working it according to his design; of which instruments he hath promised to leave a model with us, and we shall be careful that none of our servants shall make use of them before he hath first made trial of them himself.

Seventhly, we shall also furnish him with three hundred and seventy ship-pounds of iron-ball for his guns, and two thousand and five hundred pikes, and as many muskets.

Eighthly, whenever the marquis shall advertise us of his needing gunpowder, we shall assign him bills of exchange in Holland for buying seventy-two ship-pounds of gunpowder.

Ninthly, if any other kings or states shall concur with us, all they contribute shall be at our disposal; but if the marquis's necessities require further assistance, we shall not abandon him, but faithfully assist him, as much as our affairs shall permit.

Tenthly, for all which the said illustrious lord marquis with all his forces hath promised fidelity to us, and shall be bound to it as well as our men, and these who receive our pay, are; for which both he and all his captains shall be particularly engaged.

But because there is to be a treaty betwixt our commissioners and the imperialists of Dantzic, therefore if a peace shall be there concluded, so that we shall not need the service of the marquis and his army, he hath obliged himself to pay for the foresaid materials at their entire value.

All which things being thus concluded, and to be firmly observed by us, we have subscribed these articles with our hand, and commanded our royal seal to be put to them. At our castle in Stockholm the last of May, anno Dom. 1630.

Signed,

GUSTAVUS ADOLPHUS.

Locus sigilli.

19 These were signed by the king of Sweden at Stockholm the thirtieth of May, 1630, which was the day after the prince of Wales's birth, (his majesty who now reigns, whom God long

preserve,) at whose christening the marquis had the honour to represent the king of Bohemia, who was one of his godfathers, the king of France being the other, who was also represented by the duke of Lenox; and at this time a stall of the order becoming vacant, his majesty conferred on the marquis the most noble order of the garter, that he might go in this expedition with the more lustre.

20 But to these articles I shall add the return was sent by the marquis, which though not done till the next year, yet is most properly inserted here, because of the relation it hath to the foregoing paper. What follows is a translation taken from an authentical sealed duplicate of the original in Latin.

21 Whereas there is a mutual compact agreed betwixt the most 9
serene and mighty king of Sweden and me, for joining of our forces; that the articles be fully ratified, and lest any thing afterwards fall in which may put a stop in our counsels, or give matter for sinistrous glosses, I therefore subscribe for my part all the articles, adding only the following explication to some of them.

To the first, if the most serene king assign me a place for landing, I vow and promise by the grace of God to do it, betwixt and the day of the next June.

To the second, if the most serene king of Sweden send me the agreed number of soldiers out of his own forces, at the place and time appointed, I understand that by furnishing them with all necessaries, a full and entire pay without any deductions be laid down for a whole year, according to the establishment of his majesty with his own officers.

Besides, if the most serene king cannot allow of so great a diminution of his forces, it will be necessary that he not only settle a fund for such a sum as may levy, arm, and pay as many soldiers, but there will be need of some more; for the odds will be vastly great betwixt his majesty's trained soldiers and a sudden levy of raw novices.

To the third, since the article of the horse is conceived in general terms on both sides, nothing being certainly fixed on either, it will be expedient that your sacred majesty declare your mind in it plainly, how far you oblige yourself: and what shall be agreed for me, betwixt your majesty and these to whom this affair is trusted by me, I bind myself to ratify.

To the fifth, since the reasons of my expedition to Germany are the same with your majesty's, I have firmly resolved to help and

relieve the oppressed princes and states of Germany, with the ease of all these burdens with which they are now pressed, and therefore shall do every thing in order, and decently, as becomes most friendly auxiliaries; and if any thing be taken by me from the common enemy, I shall desire nothing more than that the right of it be entirely and inviolably your majesty's.

To the ninth, since I have devoted my whole fortune with all my interests for promoting this our design, I promise that whatever any shall contribute for it shall all be laid out for this war, which I shall with my whole forces manage and carry on, till either it please God that you obtain a desired peace, or that the liberty of Germany, which is now oppressed, be restored.

To the tenth, since by this article your majesty requires and expects fidelity from me and my army, I James marquis of Hamilton by these presents give my faith for myself and them, and bind both myself and them; and for the confirmation of this I do subscribe this article with all the preceding, and put my seal to it, at London the first of March, anno Dom. 1631.

Signed,

HAMILTON.

22 Ramsay had in commission to deal with any Scottish or 10
English officers who served beyond sea to come and serve under the marquis; and finding Mackay the lord Reay in good reputation, he dealt with him to engage in his service, who cordially undertook it, and some months after that wrote to the marquis, (which letter is preserved,) that though the king of Sweden had given him the command of three regiments, and made him captain of his guards; yet he was so desirous to put life in his noble designs, that he would serve him, were it but to carry a pike in his army: and thus Ramsay returned, and colonel Hamilton with him. Whereupon the marquis went about the executing of his designs, and the levying of his men, but all was according to the king's orders and instructions; yet his majesty seemed only a consenter to it. The levies went on all this winter, in which many were backward, because the king owned them so little.

As for money, the king advanced a good sum, though far short of what was necessary: but he gave the marquis a lease of the customs of the wines in Scotland for sixteen years, upon which security he and all his friends raised as much money as the design required. Many of the marquis's friends did in the beginning dissuade him from the undertaking, apprehending the hazards both of his person and fortune, which were visible from an attempt that was full of dubious success; but when they saw him engaged in it, they did all very frankly concur, mortgaging their fortunes for raising such sums of money as were necessary for the expedition.

23 Next spring the marquis sent Ramsay to Holland, to see what assistance he might expect from the States, and in particular to deal with some British officers who were then in their service, to come and take employment in his army. He likewise sent one Elphinston to the king of Sweden, to shew him that he would be ready to land with his army in June or July, and to press that the forces he was to have from the Swede might be ready to meet him wherever he were appointed to land his men: or if the king of Sweden could not spare so many men, that he would order the money for their levy and pay to be sent to Hamburg, or to any other bank, that so the marquis might levy them himself. Upon this the king of Sweden sent the lord Reay first to Denmark, and then to Holland, for carrying on of those levies; and committed the levying of three thousand foot and one thousand horse to colonel Farensback, a Leeflander of good repute in the wars; who had served the emperor, but for I know not what crime had lost his favour, and undertaken the service of the Swede, and seemed to be going on with his levy till the time was past, and then did basely run over to the emperor; shewing how great a service he had done by his cozening the king of Sweden, since he hoped the failing of the Swedish auxiliaries would keep the marquis of Hamilton's army from coming over that summer.

24 King Gustavus was now in Germany, and by his frequent letters pressed the marquis his dispatch, for he was then in great straits: the princes of Germany begun to fear his success, and were not so forward in joining with him as he

expected; and by divers letters, both from himself and Camerarius his ambassador in Holland, and Salvius his agent in Hamburg, it appears that the princes of Germany took their measures chiefly from the king's resolutions. The king of 11
Sweden also desired a league with the king, and that the king should send over ten thousand men whom the king of Britain should maintain during the wars, and that army, with the other twelve thousand, should be under the marquis his command as general: upon which the king of Sweden should oblige himself never to make peace with the emperor till the Palatinate were restored. To this the king gave a good hearing, and promised to send over an embassador to finish the agreement; and in the mean time the marquis his dispatch was hasted forward with all diligence. His army was partly Scots, partly English, and they were to be transported in the king's ships; the Scottish forces were to be shipped at Leith, and the English at Yarmouth, and Yarmouth-road was to be their rendezvous.

25 In the end of May both Reay and Ramsay came out of Holland to England. Ramsay got nothing done with the States, who would give no assistance to them arquis till the king formally engaged himself; yet he got some officers to come over, and in particular that gallant English gentleman sir Jacob Ashly, who had acquired much reputation in the Dutch wars: but Ramsay drew much trouble on himself, for, being a man of an intemperate tongue, he had talked loosely of the court of England to the lord Reay. At this time the marquis was in Scotland drawing the soldiers together, and having made all ready there, he returned to court, having nothing more to do but to kiss his majesty's hand and receive his last commands: but there was then at court the lord Ochiltree, a man of a subtle spirit and good parts, had not those endowments of his mind been stained with some ill qualities. He had acquired some interest in court by the service he did the earl of Niddisdale in the matter of the king's revocation and the commission of surrenders, (which to explain were too long a digression here, and needless to all who understand how the rights of the tithes were at that time unsettled in Scotland.) His malice against the marquis was hereditary, he being the son of captain James Stewart, who in king

James's minority, when the Hamiltons were groundlessly and in a mock-parliament attainted, carried the title of earl of Arran, and possessed their fortunes. Lord Reay (upon what irritation I know not) alleged to him that Mr. Ramsay had told him that the marquis's designs were not upon Germany but Britain, and that when this army was once gathered he purposed to pretend to the crown of Scotland. This lie was so ill told that it could take with none but those whose judgments were blinded through malice: for as that army was very small, and in no manner of capacity to prosecute such a design, so it was made up of Scots and English; and most of the officers were persons of whom the marquis had no acquaintance. Reay alleged likewise the testimony of one Mr. Eleazar Borthwick, to whom Mr. Meldrum should have communicated the same design: but this testimony turned to his shame, for that person, who was of known integrity, being brought from Germany, and examined upon what Meldrum had said to him, desired liberty to send his deposition to the king sealed, since the particulars were not fit to be publicly heard; to which the king yielding, he sent it. The sum of it was, that Meldrum had never communicated any such design to him; that he had indeed spoken abominably of the king and court, but all was in his own name; and that he brought no credence with him from the marquis, for his errand to the 12
Swedish court was only to solicit the payment of some arrears due to his uncle, who had served that crown; and he had no employment from the marquis, only he got from him letters of recommendation for the dispatch of his business, so that whatever he said was understood as his own sense, and not as a message from the marquis.

26 Reay also alleged the testimony of lieutenant colonel Lindsay for a great part of that he charged on Ramsay. This Lindsay indeed was a brave gentleman, and Reay's lieutenant colonel, but was killed two or three months before Reay met with Ochiltree at London. He was in New Brandenburg, with other Swedish officers, when Tilly took it in, and all Reay's regiment was cut to pieces except a very few; which turned to his eternal disgrace, who in such a hot time of action left his command to come over to England and forge lies: and after that, Reay was in no esteem neither with Scots nor Swedes,

and irrecoverably lost himself in the king of Sweden's opinion. But Reay kept himself from charging any thing on the marquis, fixing all he said on Ramsay; which caution was not observed by Ochiltree, who drew a representation of the marquis's interest in Scotland to shew what probabilities might be of such a design, and reckoned up all his kindred and allies, by which he drew in most of the nobility of Scotland, and so fastened suspicions on them all; a madness only incident to those of Bedlam, to which his malice drove him though he was no fool.

27 With this account of Reay's and his own he went to the lord Weston, then treasurer of England, and personating great zeal for the safety of king and kingdoms, revealed this alleged treason to him; adding, that it was probable, all things being now ready to be put in execution, that the marquis upon his return, to put things in the more fearful disorder, might (if admitted to wait in the king's bedchamber) murder him. This was a calumny than which hell could not have forged a fouler; for lord Ochiltree judged that this would have infallibly produced one of two effects; either raised such a jealousy in the king's thoughts as to have quite ruined the marquis, since few princes are proof against such whispers; or at least it would have stopped his voyage for a while, till he were tried; and the smallest delay in that would have scattered his soldiers; so that this design failing, in which his honour was now so far engaged, a stain should lie on him through all Europe. Lord Weston carried this story to the king, whether provoked to it out of hatred to the marquis, or moved from his zeal and duty to the king, shall not be determined; though the last was pretended by him, and in many of his letters to the marquis, when he was in Germany, he expressed much friendship for him.

28 But his majesty knew the marquis too well, and understood all his motions and the progress of this affair too exactly, to give any credit to this forgery: and indeed he rejected listening to it in terms so full of affection for the marquis as discovered he was incapable of any jealousy either of him or any of his actions; neither would he hearken to those who only desired that upon his return he might not be admitted to his presence, at least not to lie in his bedchamber. Within a very little while the marquis came to court, utterly ignorant of the

execrable designs of his adversaries: his majesty welcomed him with an air of kindness beyond what he ordinarily gave him, and drawing him apart, immediately told him all that 13
villainous story which had been whispered against him. The confusion this raised in his thoughts was unspeakable, being amazed to find himself so horribly misrepresented, knowing his heart to be full of duty and affection to his sovereign; he wondered how malice could be so impudent, as at a time when he was hazarding life, honour, friends, and fortune for the king's service, to fasten such a devilish gloss on his actions: but this surprise was overcome with a greater, when he saw his majesty, with an unheard of and truly royal generosity, express his confidence to him in such obliging terms, as scarce to allow him to speak in his own justification; which seeming to insinuate he thought he needed to be vindicated, the marquis begged he might be presently tried, and offered himself to restraint till he were cleared. But his majesty would not hear of that; on the contrary, commanded him to lie in the bedchamber that night; and he expressed his confidence and kindness for him in such a strain both of behaviour and discourse, that the marquis frequently said he looked on the kindness of that night as that which obliged him more than all the other public testimonies of the king's favour and bounty he ever met with; for his majesty embraced him with such tender affection, that he had been a monster of ingratitude if he had been ever capable of forgetting it: and indeed the marquis used to say, that never were his resentments for any usage he afterwards met with so great, but the remembrance of that night stifled them quite; and it must be confessed to be a passage without example in history since the days of the conquering king of Macedon. But the marquis was not able to lie under such terrible imputations, wherefore he pressed that Ochiltree might be put to it to prove what he had alleged: but all he offered against Ramsay was only a presumption, which Ramsay denied and Reay affirmed; so that they were both put under bail, and nothing appeared that did touch the marquis: for though Ramsay had been as guilty as the lord Reay called him, that left no imputation on him, since none can be made answerable for those they employ, unless it appear that they followed the instructions given

them. So the marquis was despatched to Germany. Lord Ochiltree had charged the marquis with treason, and failing so totally in his probation was sent down to Scotland to be tried, where he had a legal and free trial for his false charge before the justice general, and such assessors as were appointed to sit with him by the privy council: and had the marquis repaid him in his own coin, he could not have escaped capital punishment; but he was satisfied with his own justification, and such a censure put on the calumniator as might deter others from the like attempts; wherefore he was condemned to perpetual imprisonment in Blackness castle; and he continued there for twenty years. But that all this matter may be ended at once, ten years after this, when his majesty was in Scotland, in the year 1641, the marquis was prevailed on, by the addresses Ochiltree made to him, to procure his liberty from the king, which he was to have done; but at that time one captain Stewart, who had married his daughter, was amongst these who discovered the alleged plot, commonly called the *incident;* (whereof an account shall be given in its due place;) and this bound up the marquis from interposing for Ochiltree's liberty, lest it should have been supposed that he had done it as a kindness to his son-in-law for that discovery; which might have raised some jealousies.

29 As for the lord Reay and Mr. Ramsay, they continued the 14
one positively affirming, the other as confidently denying what was alleged; but in the whole progress of the trial the king expressed that concernment in the marquis, that he seemed earnest even to have Ramsay vindicated. Ramsay carried himself very fiercely in the pursuit; at length both of them desired to be judged by the martial court, and that they might be permitted a combat. Ramsay was the more eager in that, but though Reay did not decline it, yet he was not so forward as the other. It seems needless to give a relation of the particular procedure of this affair, though another, to swell up his volume with impertinent stories, hath at length set down the journal of the proceedings of the martial court, with no other design but to heap the more envy on the marquis, which he usually doth with as much ignorance as malice. All the account to be added shall be in the words of one against whom there can be no exception: I shall therefore set down

his majesty's letter to the marquis upon the conclusion of this matter, which is taken from the original.

30 JAMES,

Since you went I have not written to you of Mackay's business, because I neither desire to prophesy nor write half news; but now seeing (by the grace of God) what shall be the end of it, I have thought fit to be the first advertiser of it to you. I doubt not but you have heard, that (after long seeking of proofs for clearing the business as much as could be, and formalities which could not be eschewed) the combat was awarded, day set, weapons appointed: but having seen and considered all that can be said on either side, as likewise the carriage of both the men, upon mature deliberation I have resolved not to suffer them to fight; because first, for Mackay, he hath failed so much in his circumstantial probations, especially concerning Muschamp, upon whom he built as a chief witness, that nobody now is any way satisfied with his accusations; then, for David Ramsay, though we cannot condemn him for that that is not, yet he hath so much and so often offended by his violent tongue, that we can no ways think him innocent, though not that way guilty whereof he is accused: wherefore I have commanded the court shall be dismissed, and combat discharged, with a declaration to this purpose, that though upon want of good proof the combat was necessarily awarded, yet upon the whole matter I am fully satisfied that there was no such treason as Mackay had fancied; and for David Ramsay, though we must clear him of that treason in particular, yet not so far in the general, but that he might give occasion enough by his tongue of great accusation if it had been rightly placed, as by his foolish presumptuous carriage did appear.

This is the substance, and so short, that it is rather a direction 15
how to believe others than a narration itself; one of my chief ends being that you may so know David Ramsay, that you may not have to do with such a pest as he is, suspecting he may seek to insinuate himself to you upon this occasion; wherefore I must desire you, as you love me, to have nothing to do with him.

To conclude now, I dare say that you shall have no dishonour in this business; and for myself, I am not ashamed that herein I have shewed myself to be

Your faithful friend and loving cousin,

London,
May 8, 1632. CHARLES R.

31 But to return to our story; the king of Sweden appointed general Lesley, afterwards earl of Levin, to wait on the

marquis at his landing, which he desired might be at Breme, and appointed his agent to deal with the archbishop of Breme about it, who was well satisfied, promising him all assistance: he was also put in hope of the auxiliary forces to be in readiness to meet him there; but seeing no other appearances besides words and promises, he did not think it safe to land his little army in a country so distant from the Swedish camp, when the enemy lay betwixt them, so that he might easily have been cut off before they could join; therefore he resolved to sail through the Sound, and land in Pomerania, where none lay betwixt him and the king of Sweden.

32 On the 16th of July he set sail from Yarmouth-Road, which was the place appointed for rendezvous, his fleet being about forty ships: and on the 27th he came to Elsinore, where he went ashore to kiss the king of Denmark's hand, and to deliver the king's letters to him for a free passage in case he took that course; from whence he dispatched Pennington to his majesty to receive further orders; to which he had the following answer:

JAMES,

I could not let colonel Peebles go without telling you that I have received your letter of the 25th of July by Pennington. As for my resolutions concerning the affairs of Germany, you shall know now very shortly (by the grace of God). I have resolved to dispatch Henry Vane within ten days at furthest, till which time I thought it not amiss (by these lines) to assure you that I neither do nor shall forget you; and then you shall see that I remember you with that care and kindness that you may truly expect from

Your loving friend and cousin,

8 *Sept.* 1631. CHARLES R.

33 On the 29th of July he set sail again, and on the 31st came 16
to the mouth of the Oder, between Voll-Gast and the Isle of Usedom, where the Swedes had first landed; so on the 2nd and 3rd of August he landed his forces, which upon muster were found to be above six thousand able men. The next day they passed over from the island to the continent, and there he had a return from the king of Sweden by the messenger he had sent to give him notice of his safe arrival. That king welcomed these tidings with much joy, and appointed

him to go into Silesia for the reducing of that country, promising that the army he was engaged to give for his assistance should meet him on his way; and with this he sent him a commission to be his general in Silesia.

34 The fame of this army run through Germany, being represented to be about twenty thousand men, which struck a great terror into the whole imperial party, so high was the fame of the Scots' valour: and it was confessed through Germany that the marquis's coming at this time was a great occasion of the famous victory obtained at Leipsic in the beginning of the next month; for the fame of this made the elector of Saxony agree presently with the Swedes, and encouraged the whole protestant party, who now hoped to see the assistance of Britain prove more effectual than it had been formerly: it also obliged Tilly to leave about six or seven thousand more in his garrisons than otherwise he would have done, which weakened him much at the next battle. But the country they landed in was totally wasted, both by the imperial army, which had been led through it in the former year, and by the Swedish army, that had lately passed it; so that they met nothing before them but vastation, plague, and famine.

35 A little after that, the king of Sweden desired the marquis to come to him, and receive orders from himself; so he went, and found him on the other side the Elbe, at Werben. That king caressed him with the highest expressions of kindness, professing extraordinary obligations to him, and acknowledged what advantage the very name of his army had already done him. The marquis discovered in that noble conqueror an air of majesty and courage which could not be equalled, neither was his prudence in affairs inferior to his conduct of armies: but those rare excellencies were much soiled with unsupportable pride and ambition, which grew with his success to an intolerable degree. He pressed the marquis to solicit his master earnestly for a more vigorous supply both of men and money, and he excused his not sending the forces he had promised to meet him, since his design was presently to give Tilly battle, so that he could not weaken his army; but he bade him levy what Germans he could, whose pay the king of Sweden said he should advance; and so he sent him away to

keep Custrin, Frankfort, and Lansberg, and other passes on the Oder, for his retreat, in case he were beaten.

36 Whereupon the marquis marched with his army from Stetin up to Frankfort, but the famine was so great in this wasted country that it was scarce possible for them to subsist. The plague was also at Frankfort, which broke in upon their army so hotly, that in a few days it swept away above a third part of them, and came so near the marquis himself, that one of his pages died of it: yet so tender and so equally divided was his care of the soldiers, that notwithstanding all the straits they were in, none of them mutinied or complained of him. After 17
the great victory of Leipsic, which altered the whole state of Germany, the king of Sweden ordered the marquis to march up to Silesia, though two hundred horse and three hundred foot were all the auxiliaries he sent him.

37 At this time the marquis had notice from the governor of Crossen, which was a good town in the borders of Silesia in the Swede's hands, that they were besieged, and were so weak within that they could not hold out long; whereupon that being a place of great importance, the marquis sent Lesley with five hundred men for their relief, who no sooner arrived but the enemy retired, though they had resolved to assault the town that morning; and went away in such haste, that they left a great deal of their baggage behind them, and some cannon, which were taken by these of the garrison. And a few days after that, the marquis had intelligence that the garrison of Guben (a town in Silesia in the emperor's hands) was much weakened; two thousand five hundred soldiers had lien in it, but two thousand were drawn out for recruiting the imperial army, and five hundred only remained, who, as he heard, kept but bad guard; whereupon he sent Lesley with six hundred men to surprise the place: but his intelligence proved false, for they kept good watch, and had barred up two ports; the third had two drawbridges, and was well guarded. But Lesley lay close in the suburbs, expecting the letting down of the bridge at next sunrising, for they within knew nothing of his being so near them; so next morning, as the bridge was let down, Lesley caused a few horse to come for making the port good till the foot should advance. These of the town got the port shut on them, yet they kept the

bridge; but the foot coming up, after half an hour's sharp dispute upon the bridge, they did with hatches cut a hole in the port, at which a few of the more resolute entered, and opened it for the rest: a great many of the enemy's were killed, and about two hundred and fifty soldiers, with four captains and some under officers were taken prisoners, who took service under the marquis. The taking of this frontier town put much courage in his little army, and from this he was setting forward to Glogow, the second town of Silesia, with good hopes of carrying it: but as he was to march he received letters from the Swedish king, telling him that by his agreement with the duke of Saxony that elector had undertaken to reduce Silesia; wherefore he appointed the marquis to follow him into the lower Saxony. The marquis regrated extremely, that after he had marched so many days through a desert country, and was now come to a plentiful one, where there were fair hopes of good success, he should be presently called back into those barren and wasted fields. But he began to find the king of Sweden was blown up with success, and neglected those he had formerly caressed; and Silesia being united to the crown of Bohemia, he understood that the king of Sweden would never trust him in any country where the king of Bohemia had interest. He once thought of going forward at all adventures, but the king of Sweden had ordered his garrisons in that country to acknowledge him no more; so he was forced to return to Custrin, and there he got orders to come and besiege Magdeburg.

38 His army was strangely diminished, for he was forced to leave a thousand behind him with the plague upon them, and about another thousand were divided in garrisons, and so he had but a thousand and five hundred of his own men, and about three thousand German foot whom he had raised; 18 whereupon, with these and a thousand Swedish horse, he came and blocked up Magdeburg, which being the chief town of the lower Saxony, had a great garrison of about three thousand within it, commanded by one of the counts of Mansfield. That great and flourishing city had been besieged and taken by Tilly the same year, where the inhabitants were cut down and the city burnt all to ashes, except eighty or a hundred houses about the great cathedral, by a cruelty which had not been

practised by the Goths or Vandals; for neither age nor sex was spared, nor was there any cessation till all were butchered down: and here it was that Tilly had brought together the whole plunder that had been taken in all his victories, so that it was full of riches, besides the great importance of the place. The marquis could have no great hopes of carrying it, when they within were almost as strong as he was without, for all that Bannier brought to his supply made in the whole not seven thousand horse and foot: there was no attempting of it by storm, for it could only be carried by starving them, so that there were no blows given except in two little skirmishes not worth the naming.

39 At this time the king sent over sir Henry Vane ambassador to the king of Sweden, to enter in a league with him, who gave the marquis advertisement of his landing from Hamburg, and that he was ordered to communicate all his instructions to him, and to proceed in every thing according to his advice, in particular to espouse all his concernments as the king's own; and with this he sent him the following letters from his majesty:

JAMES,

According to my promise I have dispatched Henry Vane, whom I have commanded to impart unto you both his public and private instructions; so that it will be a good excuse for my laziness in writing shortly to you, and a testimony to you that your absence neither makes me alter nor forget you; for you may be assured that my trust of you is so well grounded, that it lies not in the power of any body to alter me from being

Your loving friend and cousin,

Hampton Court,
21 *Sept.* 1631. CHARLES R.

P. S.—As you have begun, so I desire you may continue, in letting me hear from you as oft as you have occasion: the last I received from you was the 7th of August.

40 The other had followed the ambassador.

JAMES, 19

Just now I have received a letter from you dated the 22nd of August, from Stetin, half of which is in cipher, but I am afraid I shall hardly read it, for there is so little distance betwixt the numbers, that it seems but one continued number from the beginning to the end of every line, so that I must desire you henceforward to

distinguish your numbers perfectly: as soon as I have deciphered this, you shall have an answer of it from

Your loving friend and cousin,

Hampton-Court,
23 Sept. 1631. CHARLES R.

41 The ambassador desired him to name any place where he might come and speak with him before he saw the king of Sweden; for he had no mind to begin his treaty till he had spoke with him; and at the same time the king of Sweden desired him to come to his camp for a few days, in order to the carrying on the treaty, which he knew the British ambassador was coming to propose.

42 Whereupon he left his army under the command of Lesley and Bannier, and went to the king of Sweden, whom he found at Frankfort on the Main, much blown up with success, so that he seemed to make less account of the king's friendship, yet he expressed a great desire to finish the agreement; and when he appointed Gustavus Horn to negotiate with the ambassador, he ordained him to make the marquis umpire of all their differences, declaring that he would stand to his decision.

43 This, which is yet to be seen under his hand and signet, was an unusual compliment for that high-spirited king; but the marquis thought not fit to put it to the test, how much of it was meant for reality. He pressed the king of Sweden for more auxiliaries, but was sent back by him to his army loaded only with hopes and fair words. So he came again to Magdeburg about the end of December, where he found that they within were much straitened, and (as another historian acknowledgeth) had Bannier been as forward as the marquis was, the town might have been rendered. On Christmas-eve they came to a parley, and would have in few days rendered it: but on the second day of their treaty they had notice that Papenheim was coming with an army to their relief, whereupon the treaty broke up, and Bannier would have been retiring. The marquis pressed his stay, but he produced his orders to command all the Dutch and Swedish forces, and not to hazard an engagement. This the marquis looked on as a great breach of agreement, that any should have command in his army but himself; but he must be patient; whereupon he retired to Saltsa, two leagues from the city, where he expected duke Weimar with five thousand men, and resolved on his arrival

to have given Papenheim battle: but Weimar came not, and Bannier drew his men yet farther away to Kalbe, a league and a half off, and passed the river Sala, pressing the marquis to pass with him, so afraid was he of Papenheim; but the marquis sent sir Jacob Ashley to view the pass, who told him it was so good that he might safely march away in a quarter of an hour's warning, in spite of Papenheim and his army, upon which he would not stir. Meanwhile Papenheim advanced with his army, which he gave out to be ten or twelve thousand, though it was only four thousand seven hundred men; but to make the fame of it greater, the purveyors who went before him made provision for near thrice so many: his men were drawn out of garrisons and brought up in all haste, and if Bannier had not been stiff, it had been easy to have fought him, and the least foil given him had made Magdeburg their own. Papenheim getting to Magdeburg, and finding that it could not be kept, marched away with the garrison, and every thing worth carrying with them; but when he came out of the town, the marquis and he faced one another in a plain betwixt Kalbe and Saltsa, and the marquis, though very much weaker than he, yet had a great mind to have engaged: but Bannier would not think of it, neither had Papenheim any mind to provoke them, and so he marched away. Thus duke Weimar's slowness and Bannier's carefulness lost them that occasion. After Papenheim was gone, the marquis entered Magdeburg, where he found they had left about forty piece of cannon, and great store of ammunition, with plenty of corns: he stayed there till the beginning of February, that the king of Sweden ordered him to lie about Halberstadt, but his soldiers were ill-entertained, and those he had levied in Germany were pressing for pay, which should have been advanced by the king of Sweden; therefore in the middle of February he went to that king, who received him with his former kindness; and by other letters from his majesty he found he was still so happy as to retain the room he had in his heart; which appeared by the two following he found there from his majesty:

44 JAMES,

I have received four letters from you almost all together, (to wit, of the 23rd of September, of the 8th and 14th of October, and of the

11th of November; this last being under Henry Vane's cover,) which makes me not let this post go without letting you know of the receipt of your letters, having little other thing to write to you at this time, because I am taking two or three days to make a full dispatch to you and Henry Vane, that you may know the uttermost of what you may expect from hence, assuring you that in all these conditions you shall still find me to be

Your loving friend and cousin,

Whitehall,
16 *December*, 1631. CHARLES R.

JAMES, 21

You know that I am lazy enough in writing, being willing to find excuses to write short letters; therefore, though I confess that at this time I have matter sufficient to fill a long letter, yet in earnest (having commanded Henry Vane to acquaint you fully with all my resolutions) it were needless to trouble myself with writing or you with reading a long letter: therefore I will only say, that you will find that I neither mean to forget or break my promises to you, and that you will not be unlucky if you have but as good fortune in all your actions as is wished to you by

Whitehall,
31 *December*, 1631. Your loving friend and cousin,

CHARLES R.

45 But there were great rubs in the treaty with England; the main thing pressed by the ambassador was, that the king of Sweden should give the marquis an army, with which, and the forces and monies to be sent from England, he should fall in on the Palatinate. But the king of Sweden proposed unreasonable conditions, demanding greater assistance from the king of Bohemia than the whole Palatinate could have given in its most flourishing condition, and some cities of the Palatinate to be put into his hands till the wars were ended; with many other hard conditions, almost as severe as these which had been proposed by the emperor: so that the marquis did clearly perceive Gustavus was beginning to reckon on all Germany as his conquest, and that he was to give what laws he pleased in it. Thus the ambassador and he were in very ill terms, but he continued to use the marquis with great civility; yet he still declined to give him a commission to levy a new army, neither would he pay him those sums of money he had laid out in his service; and his chancellor said to him, they knew very well he had spent none of his own money,

having gotten 100,000*l.* from his master. He answered, though that were true, he and his master were to reckon, but that must not be set to their account.

46 In April the marquis desired that some order should be taken with the remainders of his army till he got a new one, for their number at that time could only have made him a colonel, but not a general; so they were reduced into two regiments, the one of English, and the other of Scots; the English were commanded by colonel Bellandin, since made lord Bellandin, and the Scots by colonel Hamilton, and they were put in duke Wiemar's army.

47 The marquis sent over sir Jacob Ashley to give the king accounts of what passed, who was quickly dispatched back with the following letter:

JAMES, 22

You did very well to acknowledge to the chancellor of Swede his allegation concerning the 100,000*l.* that he supposed you had from me for his master's service; and so much as you did reply to him thereupon was good; but methinks you might have added that, that would more plainly have shewed him his error, which is, that if his master would not account to you for what I gave you, yet, if he will take notice of it that way, it were reason not only that he should thank me for it, but also suffer me to put it on his account in part of that assistance I am to give him; but if he will (as he ought) stand to his bargain with you, then he must leave you and me to reckon together, having nothing to do to inquire particularly what passes betwixt us. I need write little more to you at this time, the trust and sufficiency of this bearer making it needless, only to recommend him to you as you did to me, and to tell you freely, that you had done better in my mind if you had reserved to him the English regiment when your army was reduced. This I write merely of myself, (on my word,) for nobody knows that I do this, and I never heard any blame you for it: and for Jacob Ashley himself, he is so far from censuring of you, that you need wish to be no better than he calls you; and he solicits your business beyond the diligence and industry of a feed lawyer. So, referring myself for what else I have to say at this time to him, I rest

London, the last of April, 1632. Your constant loving friend and cousin,

CHARLES R.

P. S.—I hope shortly you will be in a possibility to perform your

promise concerning pictures and statues at Muneken, therefore now in earnest do not forget it.

48 All this summer the marquis followed the king of Sweden in the quality of a volunteer, of which he was sufficiently weary; but he found that king was so jealous of him, that he was not to expect any trust near or in the Palatinate, where he desired most earnestly to be employed, and that he did put him daily off; in which the king of Sweden's design was, that by his impatience he might be quickened to carry on the treaty with England on any terms. But no consideration of his own could make him betray his master's service, or drive on propositions which he judged so dishonourable for him, as were those he offered about the Palatinate; wherefore he wrote to his majesty to receive his positive commands what to do. His majesty's answer follows:

49 James, 23

I have received three letters from you by James Lesley, about the 25th of July, all which I assure you have given me very good satisfaction, as well for your right understanding of affairs in general, as to give me a light how to direct yours in particular, which at this time is the only subject of mine. One of two you must choose, either to stay or come away. For the first, it were very honourable to do (in the *timis* of action) if you had an employment; but neither having nor likely to have any hereafter, it were dulness, not patience, to stay any longer; yet it is fit to come off handsomely, neither shewing impatience nor discontentment, it may be, although I think you have cause for both: therefore I have commanded Henry Vane to propose a new employment for you, which though I think it will not take effect, yet it will shew there is no way unsought for to find you out an employment with the king of Sweden. It is that you may be sent into the Palatinate, to assist the French with so many men as my contribution will maintain; which if it may be done, they promise me to put the lower Palatinate in my hands. This though I do not hold as gospel, yet, if this design might be put in practice, it might certainly prove useful to my affairs: this being denied, (as I think it will,) you have no more to do but to seek a fair excuse to come home, which will be best, in my opinion, upon the conclusion of the treaty between Sweden and me; or if any rubs arise, that you might be sent to clear it with me. So that upon the whole matter my judgment is, that if you cannot serve

me in the Palatinate, (as I have already said,) the best way is, that you take the first civil excuse to come home to

Oatland,
1 *Aug.* 1632. Your loving cousin and faithful friend,

CHARLES R.

P. S.—David Ramsay will (as I imagine) meet with you before you come hither, which if he do, I hope you will remember what I have said concerning him already.

50 But at this time Oxenstern demanded a league offensive and defensive between the crowns of Britain and Sweden, and that the making of peace in Germany should be only in the king of Sweden's hands. This varying wholly from the former treaty, wherein they had only treated about the affairs of Germany, and whereby no peace could be without the king's 24
consent, the ambassador and he broke up in very ill terms; and on the back of this, the marquis pressing the king of Sweden to assign him a country for levying a new army, his majesty answered him with a new delay: but he told that king, that he had been now fifteen months from his own country, and though he had been at a vast expense he had received nothing in that service, and that his heart was too great to be a perpetual volunteer, as he had been these divers months past; wherefore he pressed for a present answer. The king of Sweden confessed he had reason to be weary, and he acknowledged the great obligation he had to him, and that he would always look upon him as one of his best friends; but said the blame of all the delays he met with fell on the English ambassador, on whom he fell a railing with the greatest passion that the marquis had ever seen him in; and in a huffing way pulled the marquis's hat out of his hand, and clapped it on his own head, and went stamping up and down the room in great rage. The marquis shunned the discourse, since as he could not condemn the ambassador, so he would not irritate the king of Sweden by an ill-timed justification of him: but the chief reason of his passion was, that many of the princes of Germany were beginning to talk, that their deliverer was like to prove a greater tyrant than the emperor had ever been, and he suspected the ambassador was caballing with them.

51 But the marquis seeing nothing but delays desired liberty to return to England, that he might levy a new army, and

remove any misunderstandings were betwixt his master and the king of Sweden. This proposition was so fair that it could not be refused; so on the 8th of September the king signed a commission to him for bringing over a new army, and gave him instructions for ending the treaty with the king; and a little after that he took leave of him, and was dismissed by the king of Sweden and all about him with very high expressions of friendship, that king telling him that in whatsoever place of the world he were, he would ever look upon him as one of his own.

52 As he was returning home he received the following letter from the king:

JAMES,

I wrote to you in my last to find a pretext to come home, but now I must tell you, it is not fit to stay any longer where you are; for the impossibility of your employment there, and the necessity of your business here, requires your return; so that at this time I will say no more but, *Nil mihi rescribas, attamen ipse veni;* for you shall be no sooner come than welcome to

Hampton-Court,
24 Sept. 1632.

Your faithful friend and cousin,

CHARLES R.

53 And thus ended the marquis's expedition into Germany, wherein if he missed that success which himself or others had expected, it was no miscarriage nor neglect of his own; nor 25
could it be said that he had failed in a jot of what he undertook, though almost in every particular the king of Sweden failed to him; neither was any thing so much the occasion of these neglects he met with in Germany, as the firm affection he bore his master's service: yet though this lessened his confidence in him, yet it could not but increase his esteem of him. It is true, he did not survive this long, to give any expressions of it; for in November next at Lutzen was that great and conquering king brought to the end of his days, and so all his thoughts and grasping designs did perish with him; only the renown of his never-dying fame survives.

54 But both Oxenstern and his other counsellors in their addresses to the English court, during the minority of their young queen, did recommend all their affairs to the marquis, as to one of their own nation, with the highest expressions of esteem and friendship; and divers of the electors and princes

of Germany were much taken with his converse, having seen him in the Swedish camp, and continued their friendship with him both by correspondence and presents.

55 When he returned to court, his reception with the king was as affectionate as his parting had been, and he continued about his majesty in the highest characters of favour; but he kept himself much out of business, meddling little in Scottish affairs, except it had been to procure a particular kindness to his friends, in which he was so sparing, that many were dissatisfied with him for it.

56 Next year the king went into Scotland to receive the crown of that his ancient and native kingdom, and held a parliament there; thither did the marquis follow him, assisting at that ceremony according to his rank with much joy. But his expedition to Germany had involved him and all his friends in vast debts; yet his lease of the customs of the wines was a good security, and fully able to free him of that burden, and was ratified in that parliament. But the earl of Traquair, who was then treasurer-deputy, suggested to the king that these customs were the readiest and surest monies that the king had, and that the treasury would signify little without them: wherefore he moved that some other way might be fallen upon for refunding the expense the marquis had been at for his army in Germany, that so these customs might return to the treasury. All the marquis's friends having got a hint of Traquair's proposition, pressed him to oppose it with all his interest; since the security he had was good, and well settled on him by law, and any new project could be fallen on would neither prove so sure nor so speedy payment. But Traquair's proposition pleased the king well, and he moved it to the marquis, who without either murmuring or reluctancy offered back his lease of the customs of the wines, and submitted his whole pretension to the king.

57 But his majesty was both just and generous, and so would not suffer him to be ruined by those burdens which had been contracted by his own commands; wherefore a taxation being laid on the country by the parliament for the king's supply, together with another imposition of two of the ten, which was then the interest of money, the collecting of these was put in the marquis's hands till he should be paid all was due to

him by his majesty for the expedition to Germany, and for some other great sums his majesty was owing, which he undertook to pay; and for the rest he was to be accountable to 26
the treasury, upon which he yielded up his lease of the customs of the wines.

58 In the end of that year his majesty sent down the marquis to settle with the several shires and boroughs of Scotland, both for the taxation and the two of the ten: and though his power in that was full, so that he might have acted singly, yet he would do nothing without the consent of the lords of the exchequer and session. He spent some months in these agreements, and after he had settled with the greatest part he returned to his attendance at court, having devolved the management of his fortune and private affairs on his friends: and thus his fortune was in a few years recovered from the burdens it lay under.

59 A year after that, he was sent down again to examine the earl of Morton's accounts, who was treasurer; and then he gave a new instance of his being against the ingrossing of power; for though his trust warranted him to have acted singly, yet he carried along with him in all his procedure the whole exchequer.

60 And this is all the meddling that (for ought I find) he had in public affairs till the year 1638.

MEMOIRS

OF THE

LIFE AND ACTIONS

OF

JAMES DUKE OF HAMILTON.

BOOK II.

Of what passed while the marquis was commissioner in Scotland in the years 1638 *and* 1639.

HITHERTO the course of the marquis's life had been more easy and serene, but henceforth we shall find it a tract of clouds and storms; for now he came to engage in a disorderly affair, if ever any was: he found it troubled, but had no hand in the occasions of these confusions, having abstracted himself from public affairs for divers years, meddling no further than in giving general advices when called for; and so far had he been from engaging himself in any designs, that at his entry upon business there was neither privy-councillor, officer of state, nor lord of the session, of his recommending, or that depended on him, the justice-clerk only excepted.

2 But because this year gave rise to those dismal troubles, whose tragical catastrophe we have all felt so sensibly, and since the affairs of Scotland were wholly and only trusted to the marquis's conduct for this year, the account of it shall be enlarged, perhaps to tediousness; but it is hoped that the importance of the narration shall more than compensate the pain of its length. And this is the more necessary, because the marquis's actions this year are generally so little known and so ill represented; besides, that great encouragement is

offered from the copious and authentic materials yet extant for composing of this narration. But to give a clearer prospect of the state of things before his negotiation, an account must be given of the rise and occasion of this year's disor- 28
ders, and of the state in which he found matters at his first engagement.

3 What is here to be said as a requisite introduction to these transactions is indeed out of the road, and not made out by his papers; but the discourse will be grateful, it is presumed, to those who have not had a true, full, and clear information of the particular passages of these times: whereof though some have attempted to give the world an account, yet none (for aught I know) hath done it upon knowledge or authentic information, as what is here said of these matters shall be.

4 It is well known that in Scotland the first reformation from the corruptions of popery was popular, without the concurrence or allowance of supreme authority, though the nobility for the most part joined in it; and the preachers being the chief actors and prosecutors of it, came to have great power over the people and interest with the nobility.

5 It continued thus during king James's minority; but no sooner came he to assume the government and to consider the state of the kingdom, than he found the power the ministers had with the people was swelled to such insolence, that it was more than necessary to limit it to its just bounds: for nothing passed in the court or council but their pulpits did ring with it, and no favour was shewed to any that were popishly affected, but jealousies were infused into the minds of the people, as if religion had been in hazard; and the people being then in their first fervours against popery, were apt to take those alarms pretty hot; neither did the king cherish any who was not devoted to them, but they did represent him a favourer of popery. They also held opinions which savoured too much of that church which was so odious to them, concerning the power of their assemblies, and their not being accountable for what they preached, how treasonable soever, till it were first judged by the church-judicatory; where all such things were sure of a mild censure, to say no worse: divers other tenets they held which were judged inconsistent with good government. But many of them being popular

preachers, and of insinuative tempers, they were much depended upon by the people, who looked on all their excesses as holy zeal.

6 King James bent all his thoughts to the regulating of this, and judging that the only course to effectuate it was to have some few of greater temper and discretion to be set over the rest, he studied by all means to get episcopacy introduced in Scotland; promising himself by that means an infallible remedy of all these evils, of which he was extremely sensible, though his great gentleness made him very slow in punishing them: but they foreseeing well the king's intentions, and the effects they might produce, did as cautiously resist all his attempts that way.

7 I shall not tell what endeavours that wise and peaceable king used for compassing of his designs, nor with what hinderances they were obstructed: but no sooner was he happily settled on the throne of England but he went more roundly to work; and yet it was not without opposition that he got episcopacy settled and ratified in parliament, anno 1612. But though great art was used to get assemblies framed to the king's designs, he could never compass it.

8 Episcopacy being settled, king James also erected a high 29
commission court for punishing such as offended against that constitution of the church. This court was made up of bishops, and other noblemen and gentlemen; but the bishops being those who kept the diets of it best, most of the secular persons absenting themselves often on design, and the bishops leading all matters in it, it was counted their court, and the odium of all that passed there fell to their share.

9 This step being made, king James advanced towards an uniformity with England, in worship and other ceremonies; moved to it either that he might thereby make way for the union of both kingdoms, which of all things he most desired, or that he might root the seeds of puritanism out of Scotland. But in this he met greater opposition, and all the progress he made in it was, that in one assembly it was decreed there should be a liturgy drawn for the use of the church of Scotland; and in another at Perth the five articles, that bore the name of that place, were settled not without great contradiction: and these were, the *confirmation of children; private baptism;*

private communion in cases of necessity; kneeling in communicating; the observation of the holy days of the nativity, passion, resurrection, ascension, and pentecost. Those were also established in parliament, anno 1621, where the marquis's father was commissioner, and managed that affair so dexterously, that it gained him an equal share of esteem and hatred, these things being generally very odious. As king James was going on warily in this design, he died, lamented and admired by all the world; and even those who had irritated him most when alive, did bewail his death with deep and just regrets.

10 He was succeeded in his throne by his only son Charles the First, who was zealously conscientious for episcopacy; so what his father began out of policy was prosecuted by him out of conscience. The bishops therefore were cherished by him with all imaginable expressions of kindness and confidence, but they lost all their esteem with the people, and that upon divers accounts. The people of Scotland had drunk in a deep prejudice against every thing that savoured of popery; this the bishops judged was too high, and therefore took all means possible to lessen it, both in sermons and discourses, mollifying their opinions and commending their persons, not without some reflections on the reformers. But this was so far from gaining their design, that it abated nothing of the zeal was against popery, but very much heightened the rage against themselves, as favouring it too much.

11 There were also subtle questions started some years before in Holland about predestination and grace; and Arminius's opinion, as it was condemned in a synod at Dort, so was generally ill reported of in all reformed churches, and nowhere worse than in Scotland: but most of the bishops and their adherents undertook openly and zealously the defence of these tenets. Likewise the Scottish ministers and people had ever a great respect to the Lord's day, and generally the morality of it is reckoned an article of faith among them: but the bishops not only undertook to beat down this opinion, but by their practices expressed their neglect of that day; and after all this they declared themselves avowed zealots for the liturgy and ceremonies of England, which were held by the zealous of Scotland all one with popery. Upon these accounts it was that they lost all their esteem with the people.

12 Neither stood they in better terms with the nobility, who 30
at that time were as considerable as ever Scotland saw them;
and so proved both more sensible of injuries and more capable
of resenting them. They were offended with them, because
they seemed to have more interest with the king than them-
selves had, so that favours were mainly distributed by their
recommendation: they were also upon all affairs: nine of
them were privy councillors, divers of them were of the
exchequer, Spottiswood archbishop of St. Andrew's was made
chancellor, and Maxwell bishop of Ross was fair for the
treasury, and engaged in a high rivalry with the earl of
Traquair, then treasurer, which tended not a little to help
forward their ruin. And besides this, they began to pretend
highly to the tithes and impropriations, and had gotten one
Learmonth a minister presented abbot of Lindoris, and seemed
confident to get that state of abbots, with all the revenue and
power belonging to it, again restored into the hands of church-
men; designing also, that according to the first institution of
the college of justice, the half of them should be churchmen.
This could not but touch many of the nobility in the quick,
who were too large sharers in the patrimony of the church
not to be very sensible of it.

13 They were no less hateful to the ministry because of their
pride, which was cried out upon as unsupportable. Great
complaints were also generally made of simoniacal pactions
with their servants, which was imputed to the masters as if it
had been for their advantage, at least by their allowance.
They also exacted a new oath of intrants, (besides what was
in the act of parliament for obedience to their ordinary,) in
which they were obliged to obey the articles of Perth, and
submit to the liturgy and canons. They were also making
daily inroads upon their jurisdiction, of which the ministers
were very sensible; and universally their great rigour against
any that savoured of puritanism, together with their meddling
in all secular affairs, and relinquishing their dioceses to wait
on the court and council, made them the objects of all
men's fury.

14 But that which heightened all to a crisis was, their advising
the king to introduce some innovations in the church by his
own authority; things had prospered so ill in general assem-

blies, that they thought of these no more. And in the parliament 1633, that small addition to the prerogative, that the king might appoint what habits he pleased to the clergy, met with vigorous opposition, notwithstanding the king seemed much concerned for it; those who opposed it being sharply taken up and much neglected by his majesty, which stuck deep in their hearts, the bishops bearing all the blame of it.

15 At this time a liturgy was drawn for Scotland, or rather the English reprinted with that title, save that it had some alterations which rendered it more invidious and less satisfactory; and after long consulting about it and another book of canons, they were at length agreed to, that the one should be the form of the Scotch worship, and the other the model of their government, which did totally vary from their former practices and constitutions: and as if all things had conspired to carry on their ruin, the bishops not satisfied with the general high commission court, produced warrants from the king for setting up such commissions in their several dioceses, in which with other assessors, ministers, and gentlemen, all of their own nomination, they might punish offenders.

16 That was put in practice only by the bishop of Galloway, 31
who though he was a pious and learned man, yet was fiery and passionate, and went so roundly to work, that it was cried out upon as a yoke and bondage which the nation was not able to bear.

17 And after all this the king (advised by the bishops) commanded the service-book to be received through Scotland, and to be read according to the new book at Edinburgh on Easter-day in the year 1637, yet by the council it was delayed till the 23rd of July: but then it met with a tumult from women and the meaner sort of people, whom though none owned in that attempt, yet there wanted not enough who suspected them to have been set on by others. However, certain it was, that the constant discourse of the discontented ministers and noblemen was, that popery was to be introduced, and liberties like to be destroyed, and the bishops to blame for all. By such insinuations it was that the people were animated unto an unparalleled fury, so that they threw stools at the dean of Edinburgh when he began to read the service, and interrupted

it often, notwithstanding all the means used by the lords of council and magistrates of Edinburgh to hinder it. The lords of council, as they complained to the king of this disorder, so they spared not to lay the greatest blame of it upon the bishops, which appears from the following letter written by the earl of Traquair to the marquis.

18 My noble Lord,

At the meeting of the council here at Edinburgh the 23rd of this instant, we found so much appearance of trouble and stir like to be amongst people of all qualities and degrees, upon the urging of this new service-book, that we durst no longer forbear to acquaint his majesty therewith, and humbly to represent both our fears and our opinions how to prevent the danger, at least our opinions of the way we would wish his majesty should keep therein, or before he determine what course to take for pacifying of the present stir, or establishing of the service-book hereafter; wherein all I will presume to add to what the council hath written, is, to entreat your lordship to recommend to his majesty, that if he be pleased to call to himself any of the clergy, he would make choice of some of them of the wisest and most calm dispositions; for certainly some of the leading men amongst them are so violent and forward, and many times without ground or true judgment, that their want of right understanding how to compass business of this nature and weight does often breed us many difficulties, and their rash and foolish expressions, and sometimes attempts, both in private and public, have bred such a fear and jealousy in the hearts of many, that I am confident if his majesty were rightly informed thereof, he would blame them, and justly think that from this and the like proceedings arises the ground of many mistakes amongst us. They complain that the former ages have taken from them many of their rents, have robbed them of their power and jurisdiction, and even in the church itself and form of God's worship have brought in some things that require reformation: but as the deeds of these times, at least the beginnings thereof, were full of notour and tumultuary disorder, so shall I never think it will prove for the good either of God's service or the king's, by the same ways, or manner of dealing, to press to rectify what was then done amiss. We have a wise and judicious master, who will (nor can) urge nothing in this poor kingdom which may not be brought to pass to his contentment: and I am most confident if he shall be graciously pleased to hear his 32
faithful servants inform him of the truth, he shall direct that which is just and right; and with the same assurance I dare promise him

obedience. The interest your lordship has in this poor kingdom, but more particularly the duty you owe to his majesty, and the true respect I know you have ever carried to his majesty's honour and the good of his service, makes me thus bold to acquaint your lordship with this business, which in good faith is by the folly and misgovernment of some of our clergymen come to that height, that the like has not been seen in this kingdom of a long time. But I hope your lordship will take in good part my true meaning, and ever construct favourably the actions of

Edinburgh, Aug. 27. Your loving faithful friend and humble servant, TRAQUAIR.

19 After all inquiry was made, it did not at all appear that any above the meaner sort were accessory to that tumult, the sequel whereof in the afternoon had almost been tragical, not only to the bishop of Edinburgh, but to the earl of Roxburgh, for having him in his coach. But his majesty, though he was willing to be gentle to the transgressors, yet continued firm to his former resolutions, of having the liturgy and book of canons established. In October thereafter a new tumult fell out in Edinburgh against the earl of Traquair and some of the bishops, whom the people in their fury went about to have killed: upon which, by proclamation, the council and session and other courts were removed from Edinburgh.

20 Hereupon the earl of Roxburgh, who was then lord privy-seal, went to court to give the king an account of affairs; for all this time divers had petitioned the council against these books, complaining they were contrary to religion in the matter of them, and the laws of the land in the manner of bringing them in: but all he could procure was a pardon for what was past, to such as should thenceforth live quietly, and that was proclaimed in December, but was far from giving satisfaction; for by this time the malecontents were become considerable, and had formed themselves into a body.

21 It was also studiously infused in the minds of all through Scotland, that the bishops were introducing popery, that many points of popery were in these books, and that the whole of them was both superstitious and illegal. This took mightily with the vulgar, and the malecontented ministers began everywhere to talk high in their pulpits against the bishops; they also formed themselves into a body called *the table*, where

there were deputies from the shires and boroughs, and a great many noblemen and ministers.

22 That which they pretended was the security of religion, with the preserving the fundamental laws and liberties of the land, the honour of the king, and the defence of his authority: and for this end it was judged fit and necessary to renew the covenant made in king James's time against popery, and signed by that king with his council and family; which, according to the new draught, was made up first of king James's covenant, next of a long narrative of all acts of parliament whereby the reformed religion was ratified; thirdly, of an addition wherein the late innovations were sworn against, till 33
they were judged in a free general assembly, and declared also to be abjured in the old covenant, as formally as if they had been expressly named in it, and all ended with a bond of defence for adhering to one another in pursuing the ends of the covenant. This was no sooner moved, but the advice took as if it had been an oracle; so the covenant was sworn, first at Edinburgh in the month of February, and then sent everywhere through the country to get the example of those in Edinburgh imitated; which was accordingly done, not without great appearances of devotion among all sorts of people, they pretending it was nothing but the preservation and purity of religion they aimed at.

23 For the covenant, I judge it needless to insert it here, both because of its length, and that it is in the large manifesto of the affairs of this year published in his majesty's name: and therefore, that book being both common and of great authority, I do not insert papers at their length that are to be found there, and shall only add, that the originals, and other authentic justifications of that declaration, are in my hands.

24 The session or term was held that winter at Sterling, but the council sat often at Dalkeith within four miles of Edinburgh; which being then so full of people, it was not judged fit for the council to withdraw too far from it. Petitions were often offered to the council, encouraged from the table, full of complaints against the bishops and the late innovations; but they were as often rejected. Upon this the earl of Traquair went to court, and gave a full account both of the petitions, the humours, and the strength of the male-

contents; and that all was occasioned by the bishops' misgovernment, and by the introducing the lately authorized books, with which scarce a member of the council (the bishops only excepted) was well satisfied; neither were all these cordially for them, for the archbishop of St. Andrew's from the beginning had withstood these designs, foreseeing how full of danger the executing of them might prove. The archbishop of Glasgow was worse pleased; but the bishops of Ross, Dumblane, Brechin, and Galloway were the great advancers of them. Traquair represented also that the body of all Scotland was staggering, if not wholly alienated from their duty to the king, and that nothing could recover them out of this distemper, but assurances of his majesty's affection to the protestant religion, and of his aversion from popery, together with the laying aside of these books, at least till better times. At this time also the covenanting lords wrote to the duke of Lenox, the marquis of Hamilton, and the earl of Morton, who were then at court, representing their grievances, and desiring they would offer their petition to his majesty, which was humble enough, though full of complaints against these books; desiring they might be heard to object against them, offering under the highest pains to prove they contained things both contrary to religion and the laws of the land.

25 But all the earl of Traquair said was suspected, his prejudices against the bishops being known. The opposition he had made the bishops had rendered him hitherto very popular in Scotland, and there want not grounds to suspect him a secret worker in this opposition to these books, though he seems to have been far from cherishing any further designs.

26 All he could procure from the king was a proclamation, 34
giving assurance of his majesty's firmness to the protestant religion, and that great care was used in drawing the liturgy; so that not only it was not contrary to, but would prove a ready mean to preserve, the true religion already received, and beat down all superstition. Withal the king considering the disorderly conventions had been to form petitions against these books, though they deserved a high censure; yet his majesty willing to impute that rather to a preposterous zeal than to any disloyalty, therefore dispensed with them to all

such as should thenceforth retire, and return to their obedience, whereupon these conventions were in all time coming discharged under pain of treason.

27 This was proclaimed at Sterling the nineteenth of February, but was so far from giving satisfaction, that it proved a crisis to greater confusion; for it met with a protestation as it was proclaimed, sent from those of the tables, who notwithstanding continued to sit in that junto. An answer also came from the duke of Lennox, and the other lords at court, directed only to three of the lords of the covenant in Scotland, the earls of Rothes, Cassils, and Montrose, wherein they wrote, that they had communicated their desires to his majesty, who answered, that as hitherto he had received all the petitions they had offered to the council, so he had considered them, and would declare his royal intentions about them. The combustions continuing and growing, the council appointed a solemn meeting to be the first of March at Sterling, for a full examining of things, that they might send their joint advices to court. This was likewise agreed to by the lord chancellor, who was then at Edinburgh, and undertook for himself and the rest of the clergy that were of the council to keep that appointment. The first of March came, but none of the clergy kept the day (the lord bishop of Brechin only excepted): an excuse came from the lord chancellor; but the necessity of affairs pressed the lords of the council to go on: they continued four days consulting and debating about things, but after the third day bishop Brechin left them, seeing in what determinations they were likely to close. The issue of their consulting was to send sir John Hamilton, the justice-clerk, to the king with instructions, which follow, as they are taken from the original yet extant.

28 *Instructions from his majesty's council to the lord justice-clerk, whom they have ordained to go to court for his majesty's service.*

In the first place you are to receive from the clerk of the council all the acts passed since our meeting upon the first of March instant.

Item, You have to represent to his majesty, that the diet of council was appointed to be solemnly kept, by the advice of the lord chancellor, and remnant lords of the clergy, being at Edinburgh

for the time, who assured us, that they should keep the diet pre- 35
cisely; but at our meeting at Sterling we received a letter of excuse from the lord chancellor, which forced us to proceed without his lordship's presence, or any others of the lords of the clergy, except the bishop of Brechin, who attended us three days, but removed before the closing of our opinions anent the business.

Item, That immediately after we had resolved to direct you with a letter of trust to his majesty, we did send our letter to the lord chancellor, acquainting him with our proceedings, and desiring him to consider thereof, and if he approved the same to sign them, and to cause the remnant lords of the clergy nearest unto him, and namely the bishop of Brechin, who was an ear and eyewitness to our consultations, to sign the same, and by their letter to his majesty to signify their approbation thereof; or if his lordship did find some other way more convenient for his majesty's honour and the peace of the country, that his lordship by his letter to the lord treasurer, or privy-seal, would acquaint them therewith, to the effect they might convene the council for consulting thereabout.

Item, That you shew his majesty, that his majesty's council all in one voice finds, that the causes of the general combustions in the country are the fears apprehended of innovation of religion and discipline of the kirk (established by the laws of the kingdom) by occasion of the service-book, book of canons, and high-commission, and from the introduction thereof, contrary to or without warrant of the laws of the kingdom.

Item, You are to represent to his majesty our humble opinion, that seeing, as we conceive, the service-book, book of canons, and high-commission, (as it is set down,) are the occasion of this combustion, and that the subjects offer themselves, upon peril of their lives and fortunes, to clear that the said service-book and others aforesaid contain divers points contrary to the religion presently professed, and laws of the kingdom, in matter and manner of introduction; that the lords think it expedient, that it be represented to his majesty's gracious consideration, if his majesty may be pleased to declare, as an act of his singular justice, that he will take trial of his subjects' grievances, and the reasons thereof, in his own time, and in his own way, according to the laws of this kingdom; and that his majesty may be pleased graciously to declare, that in the mean time he will not press nor urge his subjects therewith, notwithstanding any act or warrant made in the contrary.

And in case his majesty shall be graciously pleased to approve of our humble opinions, you are thereafter to represent to his

majesty's gracious and wise consideration, if it shall not be fitting to consult his majesty's council, or some such of them as he shall be pleased to call to himself, or allow to be sent from the table, both about the time and way of doing of it.

And if his majesty (as God forbid) shall dislike of what we have conceived most conducing to his majesty's service and peace of the kingdom, you are to urge by all the arguments you can that his majesty do not determine upon any other course, until some at least of his council from this be heard to give the reasons of their opinions; and in this case you are likewise to represent to his majesty's consideration, if it shall not be fitting and necessary to call for his informers, together with some of his council, that in his own presence he may hear the reasons of both informations fully debated.

You shall likewise shew his majesty, that his council having taken to their consideration what further was to be done for composing and settling of the present combustion within the kingdom, 36
and dissipating of the convocations and gatherings within the same, seeing proclamations are already made and published, discharging all such convocations and unlawful meetings, the lords after debating find they can do no further than is already done herein, until his majesty's pleasure be returned to this our humble remonstrance.

Signed,

Traquair.	Lauderdale.	Napier.
Roxburgh.	Southesk.	J. Hay.
Winton.	Angus.	Tho. Hope.
Perth.	Lorn.	Ja. Carmichael.
Wigton.	Down.	W. Elphinston.
Kinghorn.	Elphinston.	

29 These instructions being afterwards transmitted to the lords of the clergy, were returned signed as follows:

St. Andrews.	Tho. Gallovid.
Da. Edin.	Wal. Brechinen.
Jo. Dumblanen.	

30 This was seconded by a private letter to the king, signed by Traquair and Roxburgh, which follows copied from the original.

Most sacred Sovereign,

Although the miserable estate of this poor kingdom will be

sufficiently understood by your majesty from this gentleman, sir John Hamilton's relation; yet we conceive ourselves in a special manner bound and obliged to represent what we conceive does so nearly concern your majesty's honour and service; and therefore give us leave truly and faithfully to tell your majesty, that since the last proclamation, the fear of innovation of religion is so apprehended by all sorts of subjects from all corners of this kingdom, that there is nothing to be seen here but a general combustion, and all men strengthening themselves, by subscribing of bonds, and by all other means, for resisting of that which they seem so much to fear. This is come to such a height, and daily like to increase more and more, that we see not a probability of force or power within this kingdom to repress this fury, except your majesty may be graciously pleased, by some act of your own, to secure them of that which they seem so much to apprehend, by the inbringing of the books of Common-Prayer and Canons.

The way which the subjects have taken and daily go about in the prosecution of their business is inexcusable, and no ways agreeable to the duty of good subjects; but your majesty is wisely to consider what is the best and safest course for your own honour and peace of your government; and since religion is pretended to be the cause of all, if it shall not be a safe course to free them at this time of fears, by which means the wiser sort will be satisfied, and so your majesty enabled with less pain or trouble to overtake the insolencies of any who shall be found to have kicked against authority.

We are the rather moved at this time to be of this opinion, that having found it the opinion, not only of those to whom your majesty wrote in particular, (except of the marquis of Huntley, who as yet 37
is not come from the north,) but of most of the noblemen and men of respect within this kingdom; we find few or none well-satisfied with this business, or to whom we dare advise your majesty to trust in the prosecution thereof; and if any have or shall inform your majesty to the contrary, give us leave humbly to entreat your majesty to be pleased to call them before yourself, that in our presence you may hear the reasons of both informations fully debated. So praying God to grant your majesty many happy days, and full contentment in all your royal designs, we humbly take our leave, and rest

Sterling, March 5, 1638.

Your majesty's humble servants and faithful subjects,

TRAQUAIR.
ROXBURGH.

31 There was also (besides many private letters recommending this business) a public letter written by the council to the marquis, which follows, taken from the original.

OUR VERY HONOURABLE GOOD LORD,

We finding the subjects' fears and stirs to increase since the last proclamation, did appoint, by the lord chancellor and other lords of the clergy their special advice, a solemn diet of council to be kept at Sterling on the first of March, where the lord chancellor and other lords of the clergy promised to be present to consult upon the growth of the public evils, and remedies thereof, for his majesty's honour and peace of this country; but having met at Stirling, we received a letter of excuse from the lord chancellor, and were forced to proceed without him and the other lords of the clergy; where, after we had spent four days in advising upon the said evils and remedies of them, we resolved in end to direct sir John Hamilton of Orbiston, one of our number, with a letter of trust from us to his majesty, to whom we have imparted our opinions, and reasons of the said public ills, and remedies of the same, to be represented to his sacred majesty; and because the business is so weighty and important, that in our opinion the peace of the country was never in so great hazard, we have thought fit to recommend the business to your lordship's consideration, that after your lordship has heard the justice-clerk therein, your lordship, according to your great interest in his majesty's honour and peace of the kingdom, may concur by your best advice and assistance at his majesty's hands to bring these great and fearful ills to a happy event. So, committing your lordship to the grace of God, we rest

Sterling, March 5, 1638. Your lordship's very good friends,

Traquair.	Lauderdale.	Napier.
Roxburgh.	Southesk.	J. Hay.
Winton.	Angus.	Tho. Hope.
Perth.	Lorn.	J. Carmichael.
Wigton.	Down.	W. Elphinston.
Kinghorn.	Elphinston.	

32 The covenanters also wrote again to the Scottish lords at 38
court, desiring liberty to send up one to represent their grievances; for they doubted the council did not use them well, and one of them wrote very peremptorily to the marquis, That they were resolved rather to hazard the whole business,

than change a word of their petitions, and that they would quit their lives, if they got not granted to them what they desired.

33 The justice-clerk being thus instructed came to London, where, after he had discharged himself of his trust, his majesty partly doubting his council, partly hoping the authority of a commissioner might qualify the people's fury not a little, resolved to choose one; and about this he made no long deliberation, but presently set his thoughts on sending the marquis to Scotland for that service: and it was the opinion of all that a fitter choice could not have been made, both because of his quality and kindred, as also that he was at this time free of all jealousies; for his course heretofore had been more like a courtier than a statesman, so that he was untouched with the suspicions of what had been hitherto done, his advice having scarce ever been called for, so he was fitter to treat with that party; but chiefly his temper was so obliging and insinuative, that none alive was more able to gain people to reason, and to manage their spirits, than he was.

34 It is alleged that some moved the employing my lord Huntley for this service, but no vestige of such a motion appears; and if it was made, it could not take with the king, who at that time knew not Huntley well: and since the king designed to try all could be effectuated by treaty, there was not a person so unfit for it as the marquis of Huntley; for his family being always odious to that party, and himself all his life suspected of popery, he had been a very improper person to be employed for drawing those sinistrous jealousies out of the subjects' minds: but his majesty, confiding as well in the marquis's abilities as trusting to his fidelity, was resolved on the choice, and did first communicate it to himself: he told his majesty, that life and fortune, and all he had, he would never stick to hazard for his service; but this employment was full of danger, the success of it was at least dubious, and he was very much a stranger to Scottish men and affairs; and he could not but foresee how it should endanger his losing what next his salvation he valued most, which was his majesty's favour; however, he was absolutely at his majesty's disposal.

35 My lord Lorn, eldest son to the earl of Argyle, and after him earl Traquair, and divers of the nobility, came to court at this time, who were also followed by some of the clergy. The covenanters made likewise a new address to the Scottish lords at court, full of complaints of the harsh usage they had met with from the council, together with their grievances; which paper, with their letter dated the 28th of April, is extant, signed Rothes, Cassils, and Montrose, consisting of eight articles.

36 *Articles for the present peace of the kirk and kingdom of Scotland.* 39

If the question were about such matters as did come within the compass of our own power, we would be ashamed to be importunate, and should be very easily satisfied without the smallest trouble to any; but considering that they are the matters of God's honour, of the kingdom of Christ, and the peace of our souls, against the Mystery of Iniquity, which we clearly perceive to have been uncessantly working in this land since the reformation, to the ruin of true religion in the end; it cannot stand with our duty to God, to our king, to ourselves and posterity, to crave or be content with less than that which the word of God and our confession of faith doth allow, and which may, against our fears, establish religion afterwards.

I. The discharging of the service-book, the book of canons, and of the late high commission, may be a part of the satisfaction of our humble supplications and just complaints, which therefore we still humbly desire: but that can neither be a perfect cure of our present evils, nor can it be a preservative in time to come.

II. When it is considered what have been the troubles and fears of his majesty's most loyal subjects from the high commission, what is the nature and constitution of that judicatory, how prejudicial it proves to the lawful judicatories of the kirk and kingdom, how far it endangers the consciences, liberties, estates, and persons of all the lieges, and how easily, and far more contentedly, all the subjects may be kept in order and obedience to his majesty's just laws, without any terror of that kind; we look that his majesty's subjects, who have been used to obey according to the laws, shall be altogether delivered from the high commission, as from a yoke and burden which they feel and fear to be more heavy than they shall be ever able to bear.

III. Remembering by what ways the articles of Perth were introduced, how strangely and with what opposition they were carried

in the assembly, upon what narrative they were concluded, how the ratification in parliament was not desired by the kirk, but earnestly supplicated and protested against, how they have been introductory of the service-book, whereof now they are become members, and in their nature make way for popery, (whatsoever hath been the intentions of the urgers;) and withal, what troubles and divisions they have caused these twenty years in this kirk and kingdom, and what jealousies between the king's majesty and his subjects, without any spiritual profit or edification at all; as we can see no reason why they should be urged by authority, so can we not find but we shall be more unable to digest them than in the beginning, when we had not as yet tasted and known how bitter and unwholesome they were.

IV. The judgments of the best divines of the reformed kirks, and of the most pious and learned of this kirk since the reformation, concerning the civil places and offices of kirkmen, and concerning the vote of ministers in parliament, have been made known in divers general assemblies; which moved the assemblies of this kirk, when they could not by their modest opposition prevail to limit the ministers that were to vote in parliament by any particular cautions agreed upon at first, and ordained to be inserted in the act of parliament, and by other cautions to be made afterward, as the assembly should find meet and necessary: and therefore, if we will declare our minds, after lamentable experiences of the evils which were then foreseen, feared, and foretold, we cannot see how ministers voting in parliament, absolutely without the limitation of these cautions, can be thought fit to vote in the name of the kirk.

V. We have no grievance more universal, more ordinary, and more pressing, than that worthy men, who have testimonies of their learning from universities, and are tried by the presbyteries to be qualified for the work of the ministry, and for their life and gifts earnestly desired by the whole people, are notwithstanding rejected because they cannot be persuaded to subscribe and swear such unlawful articles and oaths, as have neither warrant of the acts of the kirk nor laws of the kingdom; and others, of less worth, and ready to swear for base respects, unworthy to be mentioned, are obtruded upon the people, and admitted to the most eminent places of the kirk and schools of divinity; which causes continual complaints, makes the people run from their own kirks, refuse to receive the sacrament at the hands of the ministers set over them against their hearts, or to render them that honour which is due from the people to their pastors, and is a mighty hinderance to the gospel, to the souls of the people, and to the peace of the whole kirk and kingdom: all

which might be easily helped by giving place to the one hundred and fourteenth act of parliament, 1592, declaring that God hath given to the spiritual office-bearers of the kirk collation and deprivation of ministers, and ordaining that all presentations to benefices be directed to particular presbyteries in all time coming, with full power to give collation thereupon, they being the lawful office-bearers of the kirk, to whom God hath given that right; which therefore never was nor can be taken from them, and so conferred upon others, as that they shall be quite secluded therefrom.

VI. The lawful and free national assemblies of this kirk, warranted by Divine authority, ratified by acts of parliament, kept in other reformed kirks, and in this kirk since the reformation, and acknowledged by king James to be the most necessary means for preservation of piety and union, and for extermination of heresy and schism, (who willed therefore, that the act of parliament for convening the general assemblies once in the year should stand in force;) if they were revived, and by his majesty's authority appointed to be kept at the ordinary times, and if one at his majesty's first opportunity, and so soon as may be conveniently, should be indicted, kirkmen might be tried in their life, office, or benefice, and kept in order without trouble to his majesty, and without offence to the people, the present evils might be speedily helped, to his majesty's great honour and content, and to the preservation of the peace of the kirk, and these courses might be stopped afterwards: and on the contrary, while kirkmen escape their due censure, and matters of the worship of God are imposed without the consent of the free assemblies of the kirk, they will ever be suspected to be unsound and corrupt, as shunning to be tried by the light, to the continual entertaining of heartburnings amongst the people, and to the hinderance of that cheerfulness of obedience which is due, and from our hearts we wish may be rendered, to the king's majesty.

VII. If, according to the law of nature and nations, to the custom of all other kingdoms, and the laudable example of his majesty's worthy progenitors, in the like cases of national grievances, or of commotions and fears of a whole body of a kingdom, his majesty should be graciously pleased to call a parliament for the timeous hearing 41
and redressing of the just grievances of the subjects, for removing of their common fears, and for renewing and establishing such laws as in time coming may prevent the one and the other, and may serve to the good of the kirk and the kingdom, that the peace of both might be firmly settled, and men's minds now so awakened might be easily pacified; all our tongues and pens are not able to represent what would

be the joyful acclamations and hearty wishes of so loyal and loving a people for his majesty's happiness, and how heartily bent all sorts would be found to bestow their fortunes and lives in his majesty's service.

VIII. The more particular notes of all things expedient for the well of the kirk and kingdom, for his majesty's honour and satisfaction, and for extinguishing of the present combustion, may be given in to be considered in the assembly and parliament.

37 Those bishops who stayed in Scotland sent up also one Learmonth to the archbishop of St. Andrew's then at London, with their complaints and grievances, which are also set down according to the original.

Articles of information to Mr. Andrew Learmonth, for my lord archbishop of St. Andrew's, the bishop of Ross, &c., and in their absence for my lord archbishop of Canterbury his grace.

I. You shall shew their lordships how they have changed the moderator of the presbytery of Edinburgh, and are going on in changing all the moderators in the kingdom.

II. How they have abused doctor Ogstone the ninth of May in Edinburgh, Mr. George Hannay at Torphichen the sixth of May, doctor Lamond at Markinch the ninth of May, Mr. Robert Edward at Kirkmichael, whom Kilkerrin is forced to entertain at his own house.

III. That the presbytery of Hadingtown have given imposition of hands to Mr. John Ker's son to be his colleague, without the knowledge of the bishop; and likewise the presbytery of Kircaldy to Mr. John Gillespie's son to the church of the Weemes; and the presbytery of Dumfrice to one Mr. John Wier to the church of Morton, within two miles of Drumlanerick; and that they of Dumfermline have admitted Mr. Samuel Row (a minister banished from Ireland) to be helper to Mr. Henry Mackgill; and they of Air Mr. Robert Blair to be helper to Mr. William Annand; and that the town of Dumfrice have made choice of Mr. James Hamilton to be their minister; and the town of Kirkudbright one Mr. John Macklennan; all of them banished from Ireland; and Mr. Samuel Rutherford is returned and settled in his place; and they intend to depose Mr. John Trotter, minister at Dirleuton; and how they intended to use the regents.

IV. That the council of Edinburgh have made choice of Mr. Alexander Henderson to be helper to Mr. Andrew Ramsay, and intend to admit him without advice or consent of the bishop.

V. That the ministers of Edinburgh who have not subscribed the covenant are daily reviled and cursed to their faces, and their sti- 42
pends are withheld and not paid; and that all ministers who have not subscribed are in the same case and condition with them.

VI. That they hound out rascally commons on men who have not subscribed the covenant, as Mr. Samuel Cockburn did one John Shaw at Leith.

VII. That his majesty would be pleased by his letters to discharge the bishop of Edinburgh to pay any prebend-fee to those who have subscribed the covenant; as also by his royal letters to discharge the lords of session to grant any process against the bishop for their fees.

VIII. That his majesty would be pleased in the articles of agreement with the nobility to see honest men, who shall happen in this tumultuous time to be deposed from their places, restored and settled in them, and others that are violently thrust in removed; and that the wrongs done to them be repaired.

IX. That if it shall happen his majesty to take any violent course for repressing these tumults and disorders, (which God forbid,) that in that case their lordships would be pleased to supplicate his majesty that some speedy course may be taken for securing of the persons of these honest men, who stand for God and his majesty.

Signed,

Da. Edin.	Ja. Hannay.
Ja. Dumblanen.	Da. Michell.
Ja. Lismoren.	Da. Fletcher.

38 All these matters being considered, though there were grounds enough to have provoked a less gracious prince to have proceeded against the covenanters by the extreme course of rigour and authority, and there were some who advised him to it; yet such was his innate love to that his ancient and native kingdom, that he resolved to leave no mean unessayed before he should proceed to a rupture with them: he also well foresaw that it would not prove so easy a work as some would have persuaded him, the greatest part on the south of Tay being confederate, and resolved to stand to their defence at all hazards: neither was England too well fixed in their obedience, as the following wars did sadly prove, and so there were small grounds to expect any heartiness from them for such a work.

39 All this being weighed, his majesty called to his closet the archbishops of Canterbury and St. Andrew's, and the bishops of Galloway, Brechin, and Ross, the marquis being there before they came; and to all these the king declared the choice he had made, and that he intended to send the marquis to Scotland, with the character of high commissioner, for establishing the peace of the country and the good of the church. St. Andrew's said he approved the choice, and hoped for good success. My lord of Canterbury asked why his majesty had called him; the king said, to be a witness of what was done; and because he had been before acquainted with the proceedings of that business, he was also to be informed of what passed thereafter. Then the marquis desired to know what the bishops expected he could do: they answered, Nothing but procure the peace of the country and good of the church. He desired they would contribute their assistance for reclaiming the ministry, who were once conformable; and for the 43
ministers that were censured, but were now stirring, he should deal with them. They answered, their power was small at that time, and their danger great, and so inclined to stay still at London; but that was overruled, the marquis undertaking that so far as in him lay he should stand betwixt them and danger. The archbishop of Canterbury said much and well on this head: so it was agreed that they should go home. Next, the king expressed how necessary he conceived it was that every one of them should live in their own diocese: Canterbury seconded this, and the bishops acknowledged it was the best way. Much was said concerning general assemblies, and that ecclesiastical matters ought to have been introduced by them; and the marquis was ordered to give assurance, that in all time coming nothing substantial should be introduced in the church but by them. Much debate passed about the oath of admission of ministers, and it was concluded it should be no other than what was warranted by the law; and the bishops were required to be sparing and moderate for the present both in urging that and the ceremonies. All this his majesty concluded with his wishes for good success, adding, that the marquis had been so far from seeking this employment, that he had commanded him much against his will to undertake the journey.

40 This was in the beginning of May, and upon the 7th of May letters were directed to Scotland, giving notice of the resolutions taken to the nobility: the marquis wrote also to all his friends and dependers to meet him at Hadington the 5th of June. The next thing that was taken into consideration was the drawing up of his instructions.

41 A commission in the ordinary form being first drawn, there were two proclamations signed by the king, both which are extant, the one written with the earl of Traquair's hand, the other by the marquis; the first whereof follows:

CHARLES R.

Charles, by the grace of God king of Scotland, England, France, and Ireland, defender of the faith, to our lovits, our sheriffs in that part, conjunctly and severally, specially constitute, greeting.

For samiekle as we are not ignorant of the great disorders which have happened of late within this our ancient kingdom of Scotland, occasioned (as is pretended) upon the introduction of the service-book, book of canons, and high commission, thereby fearing innovations of religion and laws; for satisfaction of which fears we well hoped that the two proclamations of the 11th of December and 19th of February had been abundantly sufficient: nevertheless, finding that disorders have daily so increased, that a powerful rather than a persuasive way might have been justly expected from us, yet we, out of our innate indulgence to our people, grieving to see them run themselves so headlong into ruin, are graciously pleased to try if by a fair way we can reclaim them from their faults, rather than let them perish in the same. And therefore, once for all, we have thought fit to declare, and hereby to assure all our good people, that we neither are, were, nor (by the grace of God) ever shall be stained with popish superstition, but by the contrary are resolved to maintain the true protestant Christian religion already professed within this our ancient kingdom. And for further clearing of 44
scruples, we do hereby assure all men, that we will neither now nor hereafter press the practice of the aforesaid canons and service-book, or any thing of that nature, but in such a fair and legal way as shall satisfy all our loving subjects that we neither intend innovation in religion or laws; and for the high commission, we shall so rectify it with the help of advice of our privy council, that it shall never impugn the laws, nor be a just grievance to our loyal subjects. And as hereby it may appear how careful we are to satisfy the foresaid fears (how needless soever) of our good subjects [*], so we do

hold ourselves obliged both in conscience and honour to hinder the course of that which may prejudge that royal authority which God has endued us with; wherefore, understanding that many of our subjects have run themselves into seditious and undutiful courses, and willing to reduce them rather by a benign than forcible mean, (because we hope that most of them are drawn thereto blindly, out of fear of innovations,) are content hereby to declare and promise upon the word of a king to pardon what is past, and not to take notice of the bygone faults, no not so much as of those factious and seditious bonds, upon condition that they seek to our mercy by disclaiming the same; and in testification of the true sense of their misdemeanours, that they deliver up, or continue with their best endeavours to procure the delivering up, of the said bonds into the hands of our council, or such as our council shall appoint: declaring always, like as we by these presents do declare, all these to be esteemed and reputed as traitors in all time coming, that shall not renounce and disclaim the said bond or bonds, within after the publication hereof; that is to say, whosoever will from henceforth be thought a good subject, and capable of our mercy, must either deliver up the same, in case he have it, or concur with his best endeavours to the delivering up thereof, or at least must come to some of our privy council or chief officers in burgh or land, and testify to him that he renounces and disclaims the said bonds. Our will is therefore, and we charge you straitly and command, that incontinent this our letter seen, &c.

C. R.

42 The other proclamation, penned by the marquis, agrees with the former to the place that is marked [*]; after which it follows thus:

So we expect that their behaviour will be such as may give testimony of their obedience, and how sensible they are of our grace and favour that thus pass over their misdemeanours, and by their future carriage make appear it was only the fear of innovations that caused those disorders that have happened of late in this our kingdom, which now cannot but by this our declaration be removed from the hearts of our loving subjects: but on the contrary, if we find not this performed with that cheerfulness and alacrity that becomes good and obedient subjects, we declare and hold ourself obliged, in honour and conscience, to make use of those forcible means which God hath armed royal authority with for the curbing of disobedient and stubborn people. Our will therefore is, and we charge you, &c.

C. R.

43 And by another paper his majesty left it to the marquis's 45
choice whether of the two he should make use of, as he found it might tend to his service ; but withal, if he made use of the second, and it gave no satisfaction, so that within six weeks most of the bonds were not delivered up upon his desiring them to do so, then he should publish another proclamation, *declaring the covenanters traitors, if within five days they came not to accept of mercy and deliver up the bonds, if they were in their power.*

44 And so a third declaration, penned by the chancellor, was laid aside ; only it is extant, marked by the king's hand on the back, and therefore shall be set down here.

Whereas we were in hope by our late proclamations to have given satisfaction to our people, and to have removed their mistakings of the Book of Common Prayer which we caused to be published, having thereby declared that it never entered into our thoughts to make any innovation in religion and form of God's worship, nay, not to press the said books upon any of our subjects till by a fair way they were induced to approve the same ; yet having understood that, to the contrary, (by what means we know not,) occasions have been taken to confirm them in their former mistakings, and to bind them by oaths and subscriptions against the laws established by our dear father of blessed memory, and ratified by ourselves since our coming to the crown ; howsoever there is in that more than just cause offered to take punishment of such an open contempt and rebellion, yet, considering that this is not the fault of the simple sort or multitude of people, who have been seduced through specious pretexts, as if nothing were contained in the said bond or covenant, as they call it, but the promoting of God's glory, the maintaining of our honour, and liberty of the country, with the preserving of unity among themselves ; we, no way willing to use our people with rigour, or to inquire severally into their errors of that kind, have thought meet to renew our former declaration, by assuring them, and every one of them, that our constant resolution is, and hath been, to maintain the true religion professed and established by the laws of that our kingdom, without any change or innovation, at the hazard of our life and crown, and that we will not force on our subjects either the said Book of Common Prayer or Book of Canons, till the same be duly examined, and they in their judgments satisfied with the legality thereof ; nor will we permit the exercise of any commission upon them, for whatsoever cause, which may give unto them any just cause

of grief and complaint. Willing therefore and requiring all our people and subjects to acquiesce to this our declaration, and not suffer themselves to be misled by the private or public informations of turbulent spirits, as if we did intend any thing contrary to this our profession, having always esteemed it a special point of royal dignity to profess what we intend to do, and to perform what we do promise; certifying all our good subjects, who shall hereupon rest quiet in the obedience of God and us, that we will faithfully perform whatsoever we have declared, whether in this or in our former proclamations made to that purpose, and be unto them a good and merciful king: as on the other side, if any shall hereafter make business and disturb the peace of that church and kingdom by following their private covenants, and refusing to be ruled by the laws established, that we will use the force and power which God hath put into our hands for compescing and subduing such mutinous and disobedient rebels. Given at our palace of

This is marked by the king's hand, *Declaration made by the chancellor.* 46

45 Thus that wise prelate foresaw well how it would be easier to effectuate all that had been designed, than to get that alone of disclaiming the covenant brought about; and therefore left that out in his draught of the declaration. But the king was peremptory, saying,

That as long as that covenant was not passed from, he had no more power than the duke of Venice.

46 For the commissioners' instructions the chancellor gave his advice in writing, which was very closely followed. After that, many particular questions were given in by the marquis in writing, for orders how to carry himself whatever might meet him in his negotiation, to which he got positive answers in writing from the king, which are extant: and though the material points in that paper be to be found in the instructions, yet this seems too considerable to be suppressed, and therefore it is set down in the very form wherein it is in the original, the queries being written by the marquis, and the answers over against them by the king.

47 *Queries whereunto your majesty's direction and resolution is humbly prayed, that accordingly I may govern myself, and be warranted for my proceedings.*

1. If before the publishing of the declaration some of the chiefest of the petitioners may not be prepared and laboured to conceive aright of the same, and in general acquainted with your majesty's gracious intentions?	They may.
2. Where the first meeting of the council shall be?	Where you shall find most convenient, the city of Edinburgh only excepted.
3. If your majesty will not permit the council to sit where and in such places as is conceived may tend most for the advancement of your service?	Yes.
4. If the declaration shall not be read to the council, and they required to sign the same?	By all means.
5. If we shall not all swear to give our best assistance for the putting the same in due execution?	Yes.
6. If any councillor refuse to do it, what course shall be taken with him?	Dismiss him the council.
7. If acts of council are not to be made, finding that this declaration ought to free us of the fears of innovations either of religion or laws?	Yes.
8. If all councillors are not to be warned to give their attendance till the business be settled?	
9. If upon the publication of this declaration there be protestations made, what course shall be taken?	The protesters must be proclaimed rebels.
10. If no protestations, but petitions of new be presented, either demanding further satisfaction, or adhering to their former, what answer shall be made, or what course taken?	*Ut supra.*
11. If they remain still in a body at Edinburgh or elsewhere after the declaration, what course shall be taken?	You must raise what force you may to treat them as rebels.
12. If they should petition against the high commission itself, as not to be introduced without an act of parliament, what answer shall be given?	That they must be content with my declaration in that point.

47

13. If, against the matter contained therein, it is then desired that those particulars may be expressed that will not be yielded to? — The settling thereof according to my declaration will answer this.

14. If it be pressed that what is now concluded concerning the high commission be ratified in the next parliament, what answer shall be given? — If I may be sure that a parliament will do it, I shall be content.

15. If they petition for a convention, what answer shall be given? — No petition must be admitted till the bond be broken; if after, you may grant it, leaving the time to me. 48

16. If they petition for a general assembly, that it may be once in the year, what answer shall be given? — I will not be tied, but as I shall find cause.

17. If they petition that the ministers' oath may be no other than that which the act of parliament doth order them to take, what answer shall be given? — I and the bishops will consider of it.

18. If they petition that the five articles of Perth may be held as indifferent, what answer shall be given? — I will hear of no petition against an act of parliament.

19. If the town of Edinburgh may not be dealt with apart to petition for your majesty's favour, and if they desire that the council, exchequer, and session may be returned them, what answer shall be given? — Upon their full submission, and renouncing of the bond, they may have their desires.

20. If the like course may not be taken with some other principal burghs? — As before.

21. If to gain some leading men from the party, marks of your majesty's favour may not be hoped for? — To some, Aye; to some, No.

22. If particular men desire either acts of council, or pardons under the great seal, what shall be done? — Grant their desires.

23. What service shall be used in the chapel royal? — The English.

24. If the lords of council and session shall at that time be pressed to receive kneeling? — This is no time for a communion, but when there is they must kneel.

25. If thought fit, what shall be done to them that refuse? — Advise of it.

26. If all acts of council, that have enjoined the use of the Service-book, Book of Canons, are not to be suspended, and declared of no force in time coming? — Yes. 49

27. How far your majesty will warrant me to declare your pleasure to the lords of the clergy, concerning their living within their dioceses?	I shall do it myself, but you may tell any of it.
28. How far I may declare your willingness to give ear to and receive the private complaints of your subjects in general, and in particular against any of the bishops?	Refuse none.
29. If those ministers (who have been by the multitude displaced) are not again to be established?	They must.
30. If in the abbey-church the use of the organs shall be presently enjoined?	Yes.
31. If those ministers formerly silenced may not for a time be connived at, and permitted to preach?	If they preach not sedition.
32. If your majesty aim at more for the present than establishing the peace of the country?	No more for the present.
33. If more, it is humbly desired your majesty may be pleased to express it?	When time shall be fit.
In execution of all which, or what else your majesty shall think fit to command, it is most humbly desired, that I may be so warranted, that the labouring to put them in execution may not turn to my ruin, nor hazard the losing of your majesty's favour, dearer to me than life.	You shall.

48 The whole instructions were signed the 16th of May, which follow, taken from the original.

CHARLES R. 50

I. Before you publish the Declaration which we have signed, you shall require all the council to sign it, and if you find that it may conduce to our service, you shall make all the council swear to give their best assistance in the execution of the same: but this of putting them to their oaths we leave to your discretion to do as you shall find occasion; but if you shall find it fit to put them to their oaths, those that refuse must be dismissed the council till our further pleasure be known.

II. We give you power to cause the council to sit in whatsoever place you shall find most convenient for our service, Edinburgh only

excepted, and to change the meeting thereof as often as occasion shall require.

III. You may labour to prepare any of the refractory persons to conceive aright of our Declaration before it be published, so that it be privately and underhand.

IV. You are to get an act of council to pass, to declare that this Declaration of ours ought to free all honest subjects from the fears of innovations of religion or laws: but this you are not to propose publicly except you be sure to carry it.

V. If any protestation be made against our Declaration, the protestors must be reputed rebels, and you are to labour to apprehend the chiefest of them.

VI. If petitions be presented to demand further satisfaction than that we have already given by our Declaration, you are to receive them, and to give them a bold negative, both in respect of the matter and the form, as being presented from a body which you are noways to acknowledge.

VII. If it should be objected against the high commission, That it ought not to be introduced but by act of parliament; your answer must be, That we found it left us by our father, and therefore we mean to continue it, having first regulated it in such a way that it shall be no just grievance to our subjects or against our laws; and when there is a parliament, we shall be content that it be ratified as we shall now rectify it.

VIII. If after the limited time in our Declaration a body remain at Edinburgh or elsewhere, you must raise what force you can to dissipate and bring them under our obedience.

IX. As soon as the peace of the country will permit, you are to call a general assembly for settling of a constant and decent way for God's worship; we having resolved to call them, or to permit them to be, as often as occasion shall require; we likewise intending to have a parliament to ratify what shall be condescended on at the assembly.

X. You may say, the bishops shall impose no other oath upon ministers at their admission but what is warranted by act of parliament.

XI. You are to give direction that the same service be used in our chapel royal that was before the enjoining of the Service-book.

XII. You must admit of no petition against the five articles of Perth, but for the present you are not to press the exact execution of them.

XIII. Whenever the town of Edinburgh shall depart from the

covenant, and petition for our favour, we will that you bring back the council and session to it.

XIV. You shall deny no pardons nor acts of council to any particular persons that shall desire the same for their security.

XV. Some marks of favour we may be moved to give to particular persons that may deserve the same.

XVI. All acts of council that enjoin the use of the new service- 51
book are to be suspended, and to be of no force hereafter.

XVII. You shall declare our pleasure to our two archbishops, (as soon as the country is any way settled,) that it is our pleasure that every bishop shall live within his own diocese, except upon his own urgent occasions, or that he be commanded from us or the council to attend there for our service, which I intend as seldom as may be.

XVIII. You shall refuse complaints against no man in particular, whether officers of state, councillors, or bishops, so that it be against their persons and not their places.

XIX. All those ministers who have been displaced by the seditious multitude are to be (so soon as conveniently may be) repossessed again as they were.

XX. As for silenced ministers, you may connive at their preaching, if you find it may tend to the quieting of the country.

XXI. For the organs in the abbey-church, we leave them to your discretion when to be used, and to advertise me of your opinion.

XXII. You are to cause insert six weeks in our Declaration for the delivery up of the covenant, and if you find cause, less.

XXIII. You shall declare, that if there be not sufficient strength within the kingdom to force the refractory to obedience, power shall come from England, and that myself will come in person with them, being resolved to hazard my life rather than to suffer authority to be contemned.

XXIV. If you shall find cause, you are to raise a guard of two hundred or more to attend our council.

XXV. You may treat with the earl of Marr for the keeping of our castles of Edinburgh and Sterling, and for the present he must be charged with their safe custody.

XXVI. You shall take seriously into consideration the copper coin, and declare our willingness to remedy the evils that have risen thereby; or what else the subjects may justly complain of.

XXVII. You may declare, that as we never intended to assume the nominating the provost of our town of Edinburgh, so we mean not by our too frequent letters to hinder the free election of their own officers.

XXVIII. You may likewise declare, (if you find cause,) that as we never did, so by God's grace we never will stop the course of justice by any private directions of ours; but will leave our lords of session, and other judges, to administer justice as they will be answerable to God and us.

If you cannot by the means prescribed by us bring back the refractory and seditious to due obedience, we do not only give you authority, but command all hostile acts whatsoever to be used against them, they having deserved to be used no other way by us but as a rebellious people: for the doing whereof we will not only save you harmless, but account it as acceptable service done us.

Such of these instructions as you shall find cause, we give you leave to divulge and make use of as you find our service shall require.

At Whitehall, the 16 May, 1638. C. R.

49 All things being thus expeded, he took leave a few days after, his majesty having ordered him to write often to himself and to my lord of Canterbury, he being the only English person trusted with the secrets of that business. The earl of Sterling was then secretary of state for Scotland; but as the copper- 52
coin made him at that time odious there, so he was little esteemed in the court, and not at all employed in affairs except in matters of course. Sir Henry Vane and the marquis had contracted a friendship in the Swedish camp, and so did keep a correspondence; yet that was most about accounts of the posture the king was in in England, and what he could do by force if treaty could not prevail. But with my lord of Canterbury he kept a constant and free intercourse, and whatever that archbishop might have been formerly in Scottish affairs, being abused by persons who did not truly represent them to him, he was certainly a good instrument this year, which appears from his letters to the marquis with the copies of his returns, which are extant.

50 My lord commissioner began his journey about the end of May, and on his way he met letters from Scotland, telling him that great jealousies were raised and vented upon his advertising so many to meet him, as if he had some strange design, and that his vassals in Cliddisdale were under high pains discharged to come and pay the duty they owed the king's

commissioner and their own superior. On the third of June he came to Berwick, and there the earl of Roxburgh met him, who told him in what fury all people were, and how small hopes there remained of prevailing upon the grounds he was to go on: he answered, he was resolved to follow his instructions, and be at his hazard. Next day the earl of Lauderdale, with my lord Lindsay, came to him; and from the latter he learned that they would never give up the covenant; that they would have the five articles of Perth abolished; episcopacy limited, so that it should be little more than a name; and if these things were not granted them, and a general assembly and parliament not called quickly, they would call them themselves, before the great crowds at Edinburgh were scattered.

51 There was also no small disorder in Edinburgh at this time, for they had notice that there was a ship in the road loaded with arms and ammunition; from which they took the alarm, having it represented much beyond the truth, two hundred muskets and as many pikes, with a small quantity of powder, being all the arms that were in the ship. They resolved to go out the next day and seize the ship, which had been easily done, it being only a merchant vessel; but the earl of Traquair apprehending the hazard, caused all the arms to be sent down in a boat that night to Fisher-raw, and got carts, and presently transported them to Dalkeith, which was then the king's house. This enraged the covenanters when known by them next day, and some of the more forward moved that they should presently go to Dalkeith and take them out by force; but the wiser of them stopped this: yet they set sure guards around the castle of Edinburgh, and at all the ports of the city, that none of them might be carried thither. This meeting, with the marquis's coming down, was made use of by the incendiaries to persuade the people that he designed mischief by these arms, and by the advertisements he had formerly given: another hellish report was also spread, that he designed to call a meeting of the chief covenanters of all ranks to Dalkeith, and there to blow them up; whereupon they resolved not to go out, nor treat with him there at all. All this was done to irritate the people into a prejudice against him; of which he gave advertisements to the king, and held on his journey.

52 The first thing he did was to inform himself exactly of all 53

matters and persons, that he might accordingly apply himself to his business; but he found things in a greater disorder than he could have imagined. Almost the whole council did favour the covenant, and the bishops were hated by all, so that there were few or none whom he durst trust: the earls of Traquair, Roxburgh, and Southesk were the men he found best affected, yet even their limitations vexed him.

53 My lord Lorn, who about the end of the year by his father's death was earl of Argyle, seemed to go on with the king's service; but he was suspected both by the king and the marquis to favour the covenant. In a word, those of the council who were best set were yet overawed by the fury and threats of the other party. The marquis of Huntley was forward in his majesty's service, but the marquis was obliged to send him north to keep that country (which was yet peaceable) in order. Many lawyers were of the covenanters' side, and chiefly the king's advocate, sir Tho. Hope, which was one of the greatest troubles the marquis met with; for he being a stranger to the Scottish law, (in which the other was skilled as much as ever any was,) was often at a great loss, for he durst advise with him in nothing, and often the king's advocate alleged law at the council-board against what he was pressing. Of this he complained frequently to the king, and intended to have discharged him the council, but he durst scarce adventure on it, lest others should have removed with him. He tried what he could do to get some lawyers to declare the covenant to be against law, but that was not to be done. Sir Lewis Stewart promised private assistance, but said that if he appeared in public in that matter he was ruined. Sir Thomas Nicolson, who was the only man fit to be set up against the king's advocate, though he had never all his life before pretended to a nicety in these matters, yet begun now to allege scruples of conscience.

54 Next to this the marquis dealt with the covenanters, who were chiefly the earls of Rothes, Cassils, Montrose, Lowdon, Lothian, my lords of Lindsay, Yester, Balmerino, and Cranston; these were the chief contrivers and actors, though they had many followers and abettors of all qualities. With these he dealt by all means possible, but neither could reason convince

them, nor assurance satisfy them, nor promises or cajolery prevail with them, nor threats overrule them.

55 He quickly saw that nothing could be obtained from the covenanters by way of treaty; and therefore, before he left Berwick, he advertised the king to prepare himself for teaching them their duty by authority, since milder ways were like to prove ineffectual. He also found the country very destitute of arms, and that the covenanters were beginning to give order for furnishing themselves from several places; of which he also advertised the king, desiring him to send in all haste expresses to his agents in Holland, Hamburgh, Denmark, Sweden, and Poland, to stop any arms might be brought up by Scottish men.

56 At first when the marquis came to Dalkeith, he heard that one thousand five hundred men were set to guard the ports of Edinburgh, and that they of *the tables* had taken the keys of the city from the magistrates, and had some thoughts of securing the castle of Edinburgh, which had been easily done if attempted, there being neither arms nor ammunition within it. But the wiser of them thought it fitter only to set guards about it, by which it was rendered useless, rather than make so hasty a rupture; and the more violent threatened they 54
would force both commissioner, council, and session to take the covenant. All this the marquis heard, but he might well regret it, but had no power to curb it, for they were resolved to hear of no proclamation unless with the discharge of the service-book and book of canons; the articles of Perth were also promised to be abrogated, episcopacy promised to be limited, and an assembly and parliament presently called. But his instructions being so far short of this, he durst not adventure on publishing his majesty's declaration, knowing it would meet with a protestation; and as for that part of it which concerned the covenant, my lords of Traquair and Roxburgh told him he was the ruin of the country if he did not divide the declaration, and wholly leave out what concerned the covenant: this he said he would yield to, and put his head in the king's mercy, if they could assure him that thereby matters might be settled.

57 Of all this he advertised the king, and told him he must

resolve either to yield to all they demanded, or haste down his fleet quickly with two thousand land soldiers in it, and send down arms to the northern counties of England; advising him also to send soldiers for garrisoning of Berwick and Carlisle, one thousand five hundred for Berwick, and five hundred for Carlisle; and that his majesty would resolve to follow these orders in person with a royal army; and there was no doubt of victory if the matter were well managed: but he represented withal that his majesty would consider how far in his wisdom he would connive at the madness of his own poor people, or how far in his justice he would punish their folly; assuring him their present madness was such, that nothing but force would make them quit their covenant, and that they would all lay down their lives ere they would give it up.

58 But that which he applied himself first to was the dispersing of the multitudes. After he held a council at Dalkeith, where his commission was only read and registered, he received addresses from the town of Edinburgh, humbly inviting him to come to Holyrood-house, which he refused, unless the extraordinary guards about their ports and the castle were dismissed. But this being done, he went thither on the ninth of June: they were guessed to be about sixty thousand that met him, the greatest number that nation had seen together of a great while, among whom there were about five hundred ministers, and four of the most zealous had resolved to entertain him with speeches; but this he shunned, not without great difficulty, so earnest were they to be disburdened of their harangues; but they came to him in private, and with great vehemency, not without tears in their eyes, represented the danger religion was in, but kept themselves within bounds.

59 And now he came to have access to their ears, and this was followed by that which always attended the engaging sweetness of his converse, for he began to gain ground on their affections: he shewed them how firm the king was to the protestant religion, and how ready to hazard life and crown in the defence of it; that if any error had been committed in the way of introducing the late books, his majesty did more than correct that by his gracious condescensions; that he was resolved (as soon as the country was settled) to call both an assembly and parliament, if they themselves obstructed it not:

but withal he represented to them the madness of hazarding on a rupture with the king; they knew it would not be uneasy 55 to engage England against them, the king's navy was in good case, and it would be no trouble to the king to destroy their trade, which would quickly impoverish the country; therefore he desired they would follow such courses as might redeem themselves and their country from ruin and infamy. This prevailed with divers, and all acknowledged there was that strength of reason in his discourse, that it was not easy to resist him long and see him much: but there were rough and wild spirits, who could neither be tamed nor tuned right by it; yet the multitudes began to disperse; but the covenant was so dear to them, that it was the endangering of all to speak of delivering it up. On the 15th of June he received the following answer from his majesty to the accounts he had sent him.

60 HAMILTON,

Though I answered not yours of the fourth, yet I assure you that I have not been idle, so that I hope by the next week I shall send you some good assurance of the advancing of our preparations. This I say not to make you precipitate any thing, (for I like of all you have hitherto done, and even of that which I find you mind to do); but to shew you that I mean to stick to my grounds, and that I expect not any thing can reduce that people to their obedience, but only force. I thank you for the clearness of your advertisements, of all which none troubles me so much, as (that in a manner) they have possessed themselves of the castle of Edinburgh; and likewise I hold Sterling as good as lost. As for the dividing of my declaration, I find it most fit (in that way you have resolved it); to which I shall add, that I am content to forbear the latter part thereof, until you hear my fleet hath set sail for Scotland. In the mean time your care must be how to dissolve the multitude, and (if it be possible) to possess yourself of my castles of Edinburgh and Sterling, (which I do not expect). And to this end I give you leave to flatter them with what hopes you please, so you engage not me against my grounds; (and in particular that you consent neither to the calling of parliament nor general assembly, until the covenant be disavowed and given up;) your chief end being now to win time, that they may not commit public follies until I be ready to suppress them: and since it is (as you well observe) my own people, which

by this means will be for a time ruined, so that the loss must be inevitably mine; and this, if I could eschew, (were it not with a greater,) were well. But when I consider that not only now my crown, but my reputation for ever, lies at stake, I must rather suffer the first that time will help, than this last, which is irreparable. This I have written to no other end, than to shew you I will rather die than yield to those impertinent and damnable demands, (as you 56
rightly call them); for it is all one as to yield to be no king in a very short time. So wishing you better success than I can expect, I rest

Greenwich,
11 *June,* 1638.

Your assured constant friend,
CHARLES R.

P. S.—As the affairs are now, I do not expect that you should declare the adherers to the covenant traitors, until (as I have already said) you have heard from me that my fleet hath set sail for Scotland, though your six weeks should be elapsed. In a word, gain time by all the honest means you can, without forsaking your grounds.

61 But he had taken his resolution about this set down in the postscript before he got the king's answer; for he wrote to the archbishop of Canterbury that he was resolved on it, finding the hazard on the one side was a present rupture, which would have been the ruin of the king's affairs, and of all his friends; whereas the hazard of not doing it was only the cutting off his head for transgressing his instructions, which he was willing not only to endanger, but lose for the king's service. But till the multitudes were wholly dispersed he durst not hazard on the publishing of the proclamation, lest authority might have met with an affront in it. This was now doing apace, commissioners only staying in name of the rest; but all the ministers hearing that the covenant must be given up, or no treaty, made their pulpits ring with it; and the marquis was to purpose inveighed against, some not sparing to say that the fagots in hell were prepared for his reward: but all declared they would never quit their covenant but with their lives. A protestation was also resolved on, whenever the declaration should be published, which made it be delayed a little longer; and it was told him by the king's advocate, that a protestation might be legally made, and that it had been done so in the year 1621. But for all

this things begun to promise some likelihood of settlement, which made him write to the king not to proceed in his warlike preparations till things were more desperate; to which he received the following answer:

62 HAMILTON,

The dealing with multitudes makes diversity of advertisement no way strange, and certainly the alteration from worse to less ill cannot be displeasing: wherefore you may be confident I cannot but approve your proceedings hitherto; for certainly you have gained a very considerable point, in making the heady multitude begin to disperse, without having engaged me in any unfitting thing. I shall 57
take your advice in staying the public preparations for force; but in a silent way (by your leave) I will not leave to prepare, that I may be ready upon the least advertisement. Now I hope there may be a possibility of securing my castles, but I confess it must be done closely and cunningly. One of the chief things you are to labour now is to get a considerable number of sessioners and advocates, to give their opinion that the covenant is at least against law, if not treasonable. Thus you have my approbation in several shapes, therefore you need not doubt but that I am

Theobalds, 13 *Jun.* 1638. Your assured constant friend, CHARLES R.

63 At this time the session sat not, for the town and country about Sterling threatened them, so that they could not return thither; wherefore the marquis desired a warrant from the king to bring the session back to Edinburgh, both because it was not fit they should be too far from himself and the council, as also that many of the covenanters were broken in their estates, so that if justice were patent some of the most troublesome of them might be driven away; but chiefly the settling them again in Edinburgh looked like a resolution of going on with a treaty, of which it was fit they should be persuaded till the king were in a good posture for reducing them. He tried what assurance he might have of the lords of the session being fixed to their duty. Divers of them, who were no ill-wishers to the king's authority, yet durst not own it, being threatened by the covenanters; of some he had all reason to hope well, yet the greater part of that court, what through fear, what through inclination, was so biassed, that he

saw little hope of prevailing with the college of justice, whether judges or lawyers, to declare the covenant seditious or treasonable; and he was secure of none who sat on the bench, save sir Robert Spottiswood president, sir John Hay clerk-register, and sir Andrew Fletcher of Innerpeffer, Halyburton of Fotherance, and one or two more: the first of these was among the most accomplished of his nation, equally singular for his ability and integrity; but he was the archbishop of St. Andrew's son, and so his decision in that would have been of the less weight.

64 On the 16th of June the covenanters came and presented their petitions to the marquis, craving a present redress of their grievances, otherwise, they said, they would be put off no longer by delays; and they desired he would propose the matter to the council, and give them a speedy answer. He told them that his majesty did resolve to call both an assembly and parliament for the redress of all grievances; but if this was not yet done, they had nothing but the disorders of the country to blame for it, which should be no sooner composed but all their desires should be fully examined. They went away no way satisfied with this answer; but the marquis found all the lords of council inclined to the granting of what they demanded, so that he durst call no council about 58
it, lest they should have avowedly sided with the covenanters; of which he advertised his majesty, shewing him, that persons of all ranks pressed him to represent to him that the covenant was not illegal, and that if his majesty would allow of the explication of the bond of mutual defence, which they offered, (that they meant not thereby to derogate any thing from the king's authority, for whom they were ready to hazard their lives,) all might be settled without more trouble, either to the king or country; and that otherwise it must needs end in blood. He desired his majesty would consider well in what forwardness his preparations were, before he hazarded on a rupture; lest if they had the start of him, all his faithful servants in Scotland should be ruined ere he could come to their rescue. England wanted not its own discontents, and they in Scotland seemed confident that they had many good friends there; France had not forgot the isle of Rhea, and had certainly a hand in cherishing those broils in Scotland. He

also added, the covenanters' resolution was upon the first rupture to march into England, and make that the seat of the war. Upon all this he craved his majesty's pleasure, which he would punctually obey; and ended, begging pardon for the fair hopes he had given him in his last, protesting, that his desire of seeing royal authority again settled, without a bloody decision, (for which he was gladly willing to sacrifice his life,) made him too easy sometimes to believe what he so earnestly desired.

65 Thus I give the most material heads of the marquis's dispatches to his majesty; for though the originals of them be in my hands, yet they are not inserted, both because of their being too long and too particular for public view; as also that the substance of them may be seen in the king's answers, which for many reasons are set down at their full length. But to this I shall add a surprising thing, that I find the archbishop of St. Andrew's was for accepting an explanation of the covenant, for a draught of it yet remains under his pen, which follows:

We the noblemen, barons, burgesses, ministers and others, that have joined in the late bond or covenant for the maintaining of true religion and purity of God's worship in this kingdom, having understood that our sovereign lord the king's majesty is with this our doing highly offended, as if we thereby had usurped his majesty's authority, and shaken off all obedience to his majesty and to his laws; for clearing ourselves of that imputation do hereby declare, and in the presence of God Almighty solemnly protest, that it did never so much as enter into our thoughts, to derogate any thing from his majesty's power and authority royal, or to disobey and rebel against his majesty's laws; and that all our proceedings hitherto by petitioning, protesting, covenanting, and whatsoever other way, was and is only for the maintaining of true religion by us professed, and with express reservation of our obedience to his most sacred majesty; most humbly beseeching his majesty so to esteem and accept of us, that he will be graciously pleased to call a national assembly and parliament, for removing the fears we have not without cause (as we think) conceived of introducing in this church another form of worship than what we have been accustomed with, as likewise for satisfying our just grievances, and the settling of a constant and solid order to be kept in all time coming, as well in

the civil and ecclesiastical government: which if we shall by the 59
intercession of your grace obtain, we faithfully promise (according to our bounden duties) to continue in his majesty's obedience, and at our utmost powers to procure the same during our lives, and for the same to rest and remain

Your grace's obliged servants, &c.

66 His majesty's answer follows:

HAMILTON,

I do not wonder, though I am very sorry for your last dispatch, to which I shall answer nothing concerning what you have done or mean to do, because I have approved all, and still desire you to believe I do so, until I shall contradict it with my own hand. What now I write is, first to shew you in what estate I am, and then to have your advice in some things. My train of artillery, consisting of forty piece of ordnance, (with the appurtenances,) all drakes, (half and more of which are to be drawn with one or two horses apiece,) is in good forwardness, and I hope will be ready within six weeks; for I am sure there wants neither money nor materials to do it with. I have taken as good order as I can for the present for securing of Carlisle and Berwick; but of this you shall have more certainty by my next. I have sent for arms to Holland for fourteen thousand foot and two thousand horse: for my ships they are ready, and I have given order to send three for the coast of Ireland immediately, under pretence to defend our fishermen. Last of all, which is indeed most of all, I have consulted with the treasurer and chancellor of the exchequer for money for this year's expedition, which I estimate at two hundred thousand pounds sterling, which they doubt not but to furnish me: more I have done, but these are the chief heads. Now for your advice, I desire to know whether you think it fit that I should send six thousand landmen with the fleet that goes to the Frith, or not; for since you cannot secure me my castle of Edinburgh, it is a question whether you can secure the landing of those men, and if with them you can make yourself master of Leith, to fortify and keep it: of this I desire you to send me your resolution with all speed. I leave it to your consideration whether you will not think it fit to see if you can make all the guns of the castle of Edinburgh unserviceable for any body, since they cannot be useful for me. Thus you may see that I intend not to yield to the demands of those traitors the covenanters, who I think will declare themselves so by their actions before I shall do it by my proclamation, which I shall not be sorry for, so that it be without the personal hurt of you or any 60

other of my honest servants, or the taking of any English place. This is to shew you that I care not for their affronting or disobeying my Declaration, so that it go not to open mischief, and that I may have some time to end my preparations. So I rest

Your assured constant friend,

Greenwich,
20 *June*, 1638. CHARLES R.

67 The marquis did again send a new dispatch, much of the same strain with the former, before he had received this letter, representing the great hazards he apprehended from a breach, and that he feared the king would be faintly followed by the English: withal he gave the king a large account of the explanation was offered to that part of the covenant by which they were bound to mutual defence; to which his majesty wrote the following answer:

HAMILTON,

I must needs thank you that you stand so close and constantly to my grounds, and you deserve the more since your fellow counsellors do rather dishearten than help you in this business; for which, I swear, I pity you much. There be two things in your letter that require answer, to wit, the answer to their petition, and concerning the explanation of their damnable covenant; for the first, the telling you that I have not changed my mind in this particular is answer sufficient, since it was both foreseen by me, and fully debated betwixt us two before your down going; and for the other, I will only say that so long as this covenant is in force, (whether it be with or without explanation,) I have no more power in Scotland than as a duke of Venice, which I will rather die than suffer: yet I commend the giving ear to the explanation, or any thing else to win time, which now I see is one of your chiefest cares, wherefore I need not recommend it to you. Another I know is, to shew the world clearly that my taking of arms is to suppress rebellion, and not to impose novelties, but that they are the seekers of them; wherefore if upon the publishing of my Declaration a protestation should follow, I should think it would rather do right than wrong to my cause: and for their calling a parliament or assembly without me I should not much be sorry, for it would the more loudly declare them traitors, and the more justify my actions; therefore in my mind my Declaration would not be long delayed; but this is a bare opinion, and no command. Lastly, my resolution is to come myself in person, accompanied like 61
myself; sea forces nor Ireland shall not be forgotten; the particulars of which I leave to the comptroller's relation, as I do two particulars

to the archbishop of Canterbury, which you forgot to mention in my letter: and so I rest

Your assured constant friend,

Greenwich,
25 *June,* 1638.

CHARLES R.

68 Upon this the marquis spoke big to them, and threatened to leave the employment, and go to court, but to return to Scotland again shortly, attending his majesty in another posture. This cooled their courage a little, for they were not then in a posture for a breach; and so they spoke more mildly, saying that they were sorry his majesty mistook their good and innocent intentions, all they designed being the preservation of religion and laws, and that if these were secured, they would demean themselves in all time coming as good subjects: he said, if they would all go home to their houses, he would beg liberty to wait on his majesty with their desires, and return them an answer within three weeks or a month. But the true reasons that moved him to desire permission to go up, were, that hereby he gained so much more time, as also he would more fully inform the king of the state of affairs, and see in what forwardness the king's preparations were; but chiefly to try what he could prevail about establishing the Confession of Faith which had passed in parliament 1567; for he judged if his majesty did sign and authorize that confession with a bond for defending it in subordination to the king's authority, it might give full satisfaction to all that there should be no innovation in religion; at least the vulgar, who had been poisoned with those fears, might be recovered, a considerable party of the covenanters gained, and his majesty's cause made more favourable to all the world. This was not to be moved or managed by letters; therefore he begged permission to wait upon his majesty, which the king granted in the following letter:

HAMILTON,

69 Yours of the 24th (though it be long) requires but a short answer, it being only to have leave to come up, which is grounded upon so good reason that I cannot but grant it. Some considerations in the mean time I think fit to put to you; first, to take heed how you engage yourself in the way of mediation to me, for though I would not have you refuse to bring up to me any demand of theirs to gain time, yet I would not have you promise to mediate for any thing

that is against my grounds; for if you do, I must either prejudice myself in the granting, or you in denying: then, I would have you take care that no more subscriptions be urged upon any, especially of council or session: lastly, that you leave such encouragement to these few that have not yet forsaken my cause, that they may be 62
assured (as well as I) that your up-coming is neither to desert them nor it. And thus certainly if (as you write) you get the mutinous multitude once dispersed, you will have done me very good service, for I am confident that my Declaration, published before your coming away, (according to the alterations that I have given you leave to make,) will give some stop to their madnesses: however, your endeavours have been such, that you shall be welcome to

Your assured constant friend,

Greenwich,
29 June 1638.

CHARLES R.

70 The king did also signify to him by my lord of Canterbury, that he appointed him to add to the Declaration some general words, giving hopes of an assembly and parliament, by whom also he gave him warrant for calling the session to Edinburgh.

71 To this I shall add a letter of the bishop of Ross to the marquis, which will shew what sense the bishops had of his proceedings all this while.

MY LORD, MAY IT PLEASE YOUR GRACE,

We are exceeding sorry to hear that the success of your lordship's travels in this difficult business is otherwise than good Christians and subjects do wish and heartily pray for; but on the other part, are glad to hear from our friends there, that whereof we were ever confident, that nothing is omitted by your lordship to effectuate what is necessary for his majesty's honour, and expedient for the good and quiet of that poor distracted and distempered kingdom. For my own part give me leave, without either flattery or presumption, to say ingenuously, that the course your lordship keeps seemeth to be such as all good and wise men must approve your lordship's wisdom and loyalty. Infallibly the fruit will be, besides the warrant your lordship hath in your own conscience by this noble and wise carriage, your lordship must be more (if any accruement can be to former deserts) beloved of your master: it will endear your lordship more to all good, wise, and well-affected patriots, and oblige all, especially honest churchmen, to be your servants. It cannot seem strange to any wise heart who looks on the distemper of that kingdom wherein is the concourse of so many different and divers distempers, where so many of all sorts of different judgments and no less variety of

affections are so strongly engaged, and where many have their own private ends; that the best, wisest, and most powerful agents, are not able on a sudden to rectify their judgments, cure their affections, and by disappointing the private intentions of some, to reduce all to order, peace, and quiet. In any great work of this strain we must all rely somewhat more on the wise and gracious providence of God, than in other ordinary accidents: He is able to work good out of ill, light out of darkness, and order out of confusion: which I pray God heartily we may see, to his glory, the king's honour, and peace of the Church and State, without any other effect upon any author or abettor of these disorders but of God's mercy and his majesty's 63
royal clemency. In this I fear I have exceeded more, possibly, than becomes me with your grace; but as I humbly beg pardon, so I trust your lordship's goodness will easily pardon the expressions of a poor heart surcharged with grief, not so much flowing from or following the fear of any personal or private evil can befall it, as fearing the danger the public is in because of our sins, which are calling for vengeance. God of his mercy give us repentance, and be merciful to that Church and State.

We can return nothing for your lordship's care and kindness to us but humble and hearty thanks, and earnestly pray God Almighty for all honour, wealth, and happiness to your lordship here and hence.

As your lordship hath commanded us, we shall go from hence, and where we pitch our abode with the first opportunity shall acquaint your lordship. We were advised by our best friends to do so before we received your lordship's; but that obedience we owe and promised to his majesty and your lordship made us that we would not stir for any advertisement or advice, how necessary or affectionate soever, till we had your lordship's warrant.

All that kind respect which is above our desert and condition, and tender care your lordship hath expressed to us for our safety, and that which your lordship hath superadded out of your noble bounty, desiring us to be so bold as to shew your lordship what money or any thing else necessary we stand in need of, that your lordship may supply our necessity in this, hath so perplexed us for a time, that we knew not what to choose; on the one part being ashamed to do it, both because it seemeth impertinent and incongruous to trouble one of your lordship's honour, place, and employment with matters of this kind, and especially so unreasonably at such a time, when your lordship is at such charge for the honour of his majesty's service; as also that we are unprofitable, and cannot

be useful to your lordship in any kind, and so how should we to other troubles we make your lordship add this, to be chargeable: yet your lordship's noble and generous offer, and the necessity we are cast into at this present, that what is our own or due to us we cannot command, and know as little who will do us the favour at this time to trust us, hath made us (seeing obedience is better than sacrifice) to cast ourselves upon your lordship's bounty and favour; fearing on the one part your lordship may be offended if we do it not, and on the other, that otherwise we cannot be provided; therefore I humbly entreat your lordship to let me have with the bearer a hundred and fifty pieces, payable at Whitsunday next with the interest, or Martinmas, as your lordship pleases; for which your lordship shall receive from the bearer my own personal bond. Here and at this time I cannot give better security, but by God's grace your lordship shall be in no danger, come the world as it will.

I have more than need to beg humble pardon for my unmannerly and impertinent importunities in troubling your lordship at this time, taken up with weighty affairs, if it were but to read this long paper; and that I offend no more in this kind, I shut up all with my hearty prayers to God Almighty for all honour and happiness to your lordship, and an effectual blessing upon your travels. So wisheth he who shall be, whilst he lives,

Your grace's most humble and bounden servant,

Berwick, 29*th June*, 1638.

Jo. Rossen.

72 The marquis had orders from his majesty to see the bishops 64 or other churchmen, who suffered for their duty, relieved out of the treasury, but that was exhausted; yet the marquis was careful that none of them should want, and therefore supplied them liberally out of his own money, even without taking from them any legal security for repayment, as appears by the accounts of his trustees at that time.

73 Upon the king's pleasure, that was signified by the archbishop of Canterbury, the marquis emitted a proclamation for the sessions sitting down on the second of July at Edinburgh, and thither he went that day to intimate to them his majesty's goodness for them, in not putting them to the trouble and expense of removing their families elsewhere; wherefore he recommended his majesty's service to them, and that if any thing came from *the tables*, they should not fail to pass that censure on it which was according to law. Next he called

for the covenanters' petitions, which he promised to present to his majesty, and return them an answer betwixt that and the fifth of August: with which they were satisfied for that time.

74 On the fourth of July he held a council, and presented the king's Declaration to the councillors, and, having beforehand prepared most of them with a great deal of industry, he got it signed by them all, and an act passed, that the subjects ought to rest satisfied with it. It was immediately sent to the market-cross, and proclaimed; but notwithstanding all the grace it contained, it met with a protestation from *the tables*. But upon the back of this the marquis met with one of the most troublesome passages of his whole negotiation. There were some councillors who were not satisfied with the Declaration, and those he got to be absent from council that day; but divers of those who had signed the act (that the subjects ought to rest satisfied with the Declaration) came afterwards to him, telling him, that he had pressed them to what they had not well considered when they did it, but upon second thoughts they found they had wronged their consciences; wherefore they desired he would call a new council, that they might retract what they had done. This he studied to divert by all means, representing how contrary it would be to their honour and to the king's service and good of the country; and so he shook them off that night: but next day those and many more came to him with the same desires, and, say or do what he could, nothing would prevail with them; for they told him plainly, if he called not a council, they would find another way to make their retractation well enough known, and that was to subscribe the covenant. The marquis having spoken with the whole council apart, found that three parts of four would immediately fall off, if he gave them not satisfaction; and judging that such a visible breach with the council would ruin the king's affairs, therefore, since the act was not registered, but only subscribed, he thought the course that had least danger in it was to tear it before them: by this means he got that storm calmed.

75 All this while that he had been in Scotland he had not forgot the king's orders about his castles. Dumbriton was secured, though it run a risk, the constable being at London,

and the under-keeper taking the covenant; but he called home sir William Stewart, who was constable under the duke of Lenox, to wait on his charge; and this delivered him from that hazard.

76 As for Edinburgh castle, which was then in the earl of Marre's hand, it cost him more trouble. Divers of the earl 65 of Marre's friends, who had much credit with him, being not well inclined, and much being trusted to the constable, he durst not in the king's name require him to yield it up, lest that had hasted on a rupture; and he could not prevail by fairer ways at first: but the issue of this shall be told in its due place.

77 This being done, the marquis took his journey, and on the way he had the following letter from his majesty:

HAMILTON,

I hope that this will find you on the way hitherward; wherefore, remitting all business till I speak with you, these lines are only to hearten you in your journey, for I think that it will be very much for my service. So desiring you to make as much haste as the weather will permit, I rest

Greenwich, the 9th July, 1638.

Your assured constant friend,

CHARLES R.

P. S.—Forget not to bring with you the copies of all the proclamations and protestations that have been made.

78 When he came to court he gave the king a full account of all had passed in Scotland, and of the strength and fury of the covenanters, together with the inconstancy of many of the council, and how his majesty had been abused in the hopes he was put in of the readiness of his preparations in England: which I gather from some little notes he took of things, and the copies of his letters.

79 He next told his majesty that nothing prevailed so much on the vulgar in Scotland as the cursed insinuations were given of his majesty's staggering in the protestant religion; wherefore he proposed that his majesty might cause renew the confession of faith, which was established at the reformation, and ratified in parliament anno 1567: and to that his majesty did readily consent.

80 At length his majesty having considered for some days of

the whole affair, and having fully debated every particular with the marquis and my lord of Canterbury, in end his goodness and paternal affection for his poor subjects overcame all that indignation which their actions had raised in him; wherefore he resolved on enlarging his instructions, which he did as follows:

81 CHARLES R.

You shall try by all means to see if the council will sign the confession of faith, established by act of parliament, with the new bond joined thereto; but you are not publicly to put it to voting, except you be sure to carry it, and thereafter that probably they will stand to it.

If the council do sign it, though the covenanters refuse, you shall proceed to the indicting of a free general assembly; and though you cannot procure the council to sign it, yet you are to proceed to the 66
indicting thereof, if you find that no other course can quiet business at this time.

You shall labour by all fair means that the sitting of the assembly be not before the first of November, or longer if you can obtain it: for the place, we are pleased to leave it to your election: for the manner of indicting, you must be as cautious as you can, and strive to draw it as near as may be to the former assemblies in my father's time.

You must labour that bishops may have votes in assemblies, which if you cannot obtain, then you are to protest in their favours in the most formal manner you can think of.

As for the moderator in the assembly, you are to labour that he may be a bishop, which though you cannot obtain, yet you must give way to their election.

You are to labour, that the five articles of Perth be held as indifferent; strive that the admissions of ministers may continue as they are; you may condescend, that the oaths of their admission be no other than is warranted by act of parliament.

You are, if you find that it may any wise conduce to our service, to enact and publish the order made at Holyrood-house by our council the fifth of July last, for discharging the use of the Service-book, Book of Canons, and the practice of the high commission.

You are to protest against the abolishing of bishops, and to give way to as few restrictions of their power as you can: as for the bishops not being capable of civil places, you must labour what you can to keep them free.

You may give way that they shall be accountable to the general

assembly, which you shall indict at the rising of this against that time twelvemonth.

As for the bishops' precedence, you are not to admit them of the assembly to meddle therewith, it being no point of religion, and totally in the crown.

If the bishop of St. Andrew's, or any other, be accused of any crime, you are to give way to it, so they may have a free trial: and likewise the same of whatsoeever person or officer of state.

It is left to your discretion what course bishops shall take that are for the present out of the country.

You are to advise the bishops to forbear sitting at the council, till better and more favourable times for them.

Notwithstanding all these instructions above-mentioned, or any other accident that may happen, (still labouring to keep up our honour so far as possibly you can,) you are by no means to permit a present rupture to happen, but to yield any thing though unreasonable, rather than now to break.

London, the 27th July, 1638. C. R.

82 But with this his majesty ordered him to see that the country were again settled before he indicted the assembly, that the moderators named by bishops in presbyteries might be again reponed, and, according to the act of the assembly 1606, they might be held necessary members of the assembly: that all ministers turned out since these stirs began might be again restored, and that all ministers admitted without bishops might desist from the exercise of their function: that all people might keep their own churches, and that bishops and ministers who took not the covenant might live quietly without disturbance, and have their stipends paid them. His majesty also gave warrant, that if need required he might call 67
a parliament against April next. And with these instructions the king wrote to the council the following letter:

83 Charles R.

Right trusty and well-beloved cousin, councillor and commissioner, and right trusty and well-beloved cousins and councillors, and trusty and well-beloved councillors, we greet you well.

The great distractions which have of late arisen both in kirk and commonwealth, in that our ancient kingdom of Scotland, have much troubled the minds of many good and loyal subjects there, and these distractions have fallen out among them upon jealousies and fears of

innovation in religion, and introducing of popery; and not without some fears conceived amongst them, as if we ourself were that way inclined.

Upon occasion of these fears they have of late signed a covenant, or bond, for conserving the religion established, and the laws of the country: but this bond, being not subscribed by royal leave and authority, (as was that in our dear father's time,) must needs be both null in itself, and very prejudicial to the ancient and laudable government of both kirk and commonwealth: which though we must declare unto you, yet, out of our inborn love to that our native country and loyal subjects there, and for the obviating of these causeless fears, and to satisfy yourselves and all our loving people, we do hereby under our hand let you know that we are and have ever been satisfied fully in our judgment and conscience both for the reformed religion and against the Roman; and that by God's grace and goodness we purpose both to live and die in the belief and practice of the religion now established, and to preserve it in full strength, according to the laws of that our kingdom: and to the end that this may appear to posterity how firm and settled we are in that our religion, we require you our commissioner and council to see these letters registered according to course.

Given at our court at Oatlands, July 30, 1638.

84 His majesty signed also the following declaration:

Charles R.

The great distractions which of late have risen, both in kirk and commonwealth in this our ancient kingdom, have so troubled the minds of many of our good and loyal subjects there, that they have been possessed with fears, as if popery had been intended to have been introduced, and as if we ourself were that way inclined: upon occasion of which fears a covenant or bond of late hath been drawn up, intended by the subscribers (as doth appear by their supplication presented to our commissioner the 26th of June last) for conserving the religion and laws of the country; but it not being done by royal leave and authority, as was that in our dear father's time, must be both null and void of itself, and much prejudicial to the ancient and laudable government of kirk and commonwealth: therefore we, for obviating those fears, which have been misconceived both against our person and profession for matters of religion, and to satisfy, not our loving subjects only, but all the Christian world, that we do, and (by God's grace) ever will maintain the true Christian and reformed religion established in this our kingdom, and to let the world see 68

that this shall be done in and with all freedom, according to the laws of our country, have signed the confession of faith established by act of parliament an. 1557, with this bond following, in defence of it and royal authority, laws, and liberties of the country; and do also require the present subscription of this confession and bond by all our loving subjects, that it may remain in force to posterity, that they may know how careful we are and have been to preserve the integrity of religion and the freedom of our laws.

85 Here the confession of faith was inserted, which is to be seen in the acts of parliament an. 1567, and therefore, it being of great length, the reader is referred to the acts of the parliaments of Scotland.

86 Thereafter followed this ensuing bond.

We and every one of us underwritten do protest and swear, in the presence of God Almighty, that we are truly and fully resolved in our consciences that this is the confession of the true faith of Christ established by the laws of this country, and that (by the grace of God) we will profess and maintain the same all the days of our lives; and because the safety of religion, kirk, and commonwealth depends much upon the comfortable assistance which all of them daily receive from royal justice and authority, we protest and promise with our hearts, under the obligation of the same oath, to defend, not only this our religion, but the king's majesty's sacred person and authority, as also the laws and liberties of this our country under his majesty's sovereign power, with our best counsels, bodies, goods, and whole estates, according to the laws and against all sorts of persons, and in all things whatsoever, and likewise mutually to defend ourselves and one another in this abovementioned cause under the same obligation.

87 But while the marquis was busy at court procuring this gracious answer to their demands, and while his majesty was condescending to such extraordinary favours to them, the covenanters in Scotland were going on, posting up and down the country for more subscriptions to the covenant: and because the north continued firm to their duty, some noblemen and ministers went thither to draw them to their party, and on the 23rd of July they came to Aberdeen, where there was a company of worthy and learned doctors and professors. But the covenanter's welcome there was so cold, (all the subscriptions they got being but nineteen or twenty, and they were not

admitted to preach in the public churches, which made them preach in the court of the earl marshal's lodgings,) that they went away full of fury and threats against that place; and this gave the rise to that debate which followed betwixt the doctors of Aberdeen and those ministers, which the learned doctors managed with so great advantage as did not a little confound the whole party: and the ministers being pinched by them about the lawfulness of combining without warrant of authority, alleged that my lord commissioner was satisfied with the covenant upon the offer of that explication was mentioned formerly. But the falsehood of this calumny was cast back on them with shame by him at his return; for as he had never expressed any satisfaction with their covenant, so all the 69
ground they had for that was because, according to the king's order, he had treated about that explication to gain time.

88 He brought along with him to Scotland dean Balcanqual, a man of great parts, of subtle wit, and so eloquent a preacher, that he seldom preached in Scotland without drawing tears from the auditors. Him the marquis intended to make use of as his council in church affairs, which trust he discharged faithfully and diligently, and received those informations which were made public in the large Declaration penned by him.

89 The marquis came to Holyrood-house on the 10th of August, and found things in a much worse posture than he had left them, and that the flames were growing almost past quenching; for at a convention of boroughs a few days before, they had enacted, that none might be magistrates or bear office in any borough except he had first taken the covenant: and the covenanters were resolved that bishops should have no vote in the assembly unless they were chosen by a presbytery, and they were sure that should not be. They were resolved to abolish episcopacy, and to declare it unlawful, and excommunicate, if not all, yet most of the bishops; they were resolved to condemn the articles of Perth, and discharge bishops to vote in parliament; they were also resolved to ordain all, under pain of excommunication, to sign the covenant; and, to shew they meant to break out into hostility, they were beginning to levy men in several places. But to make sure work of the assembly, they fell on a new device of lay-elders to be chosen commissioners, who should be men of the greatest

power and interest, whereby they doubted not to carry all things; and because in a meeting at Edinburgh of ministers, being one hundred and twenty in number, about four parts of five were only for limiting of episcopacy, it was resolved by the junto that none of these should be commissioners. The marquis being surprised with so great a change of the state of affairs, gave account of all these inconveniences to his majesty, and resolved not to proceed to call a general assembly, since he saw what effects it was like to produce, till he first went and acquainted his majesty with these hazards.

90 On the 13th of August the covenanters came to demand his answer: he told them he had a clear and full answer to give them, but desired to be excused till he first communicated it to the council, which was to sit next day. So they were satisfied for that time, and on the fourteenth he held a council, where he delivered his majesty's answer in these terms:

91 My Lords,

I thought it fit to acquaint your lordships before I returned his majesty's answer to the noblemen and others petitioning for the same, which is so full of grace and goodness, that we have all cause to bless God and thank his majesty for it, such is his tender care of this poor distracted kingdom, that he will leave nothing undone that can be expected from a just prince to save us from ruin; and since he finds such distraction in the church and state, that they cannot be well settled without a parliament and assembly, the state of the country and business being prepared for it, he hath given me warrant for calling of both, that they may be orderly held, as formerly they have been, according to the laws and customs of the 70
kingdom.

And further I am to declare to your lordships, that this we are to attribute only to his goodness, for we cannot but acknowledge that our carriage hath been such, as justly we might have expected that he would have taken another course with us, which he was royally and really prepared for, (had not his mercy prevailed above his just indignation,) and by a powerful and forcible way have taught us obedience, which he hath forborn to make use of merely out of his grace and goodness. It is our duty to let his subjects know how great our obligation is to him, which every one of us in particular, and all of us in general, should strive to make every one sensible of; and labour, so far as lieth in our power, to procure satisfaction to his majesty, and quiet to this distracted church and state.

92 The day following he gave the covenanters the same answer, with which they were no way satisfied. They asked what he meant by preparing of business; he said it was to establish order and government again in the country as it was before those combustions; and upon this he gave them a note of those particulars his majesty ordered to be settled, and assured them immediately upon their obedience he should indict an assembly and parliament as he was instructed. They continued treating about this till the 20th of August, but still declined to execute those particulars that were commanded, and threatened to call an assembly and parliament themselves: wherefore the marquis craved again the space of twenty days to go and bring an answer from his majesty, which he did to gain more time, and to shew the king into what extremities they were now run, and that it was necessary he should immediately break with them, or give way to the full career of their zeal: and so he took journey on the 25th to court.

93 But the first night he stopped at Broxmouth, to consider with the earls of Traquair, Roxburgh, and Southesk what advice to offer his majesty, who agreed on the following articles, taken from the original penned by Traquair.

Since the cause and occasion of all the distractions which of late have happened both in kirk and polity seems to proceed from the conceived fears of innovation of religion and laws, and that the Service-book, Book of Canons, and the unbounded power of bishops in the high commission (never yet warranted by law) was that which first gave ground and occasion to the subjects' fears, and seeing the said books are offered to be proved to be full of tenets and doctrines contrary to the reformed religion professed and established within this kingdom, and the same introduced against all form and custom practised in this church; it were an act of justice well beseeming so gracious and glorious a king absolutely and fully to discharge the same.

And seeing likewise this high commission hath given so great offence to so many of your majesty's good subjects, and, as is constantly affirmed, is of so vast and limited a power, and contrary to express laws, by which all such judicatories not established by act of parliament are declared to be of no force; it would much conduce to the satisfaction of this people if this judicatory were discharged till the same were established by law.

The practice of the five articles of Perth hath been withstood by

the most considerable part of the subjects of all qualities, both laity 71
and clergy, whereby great divisions have been in this church, and are like to have an increase, if your majesty (in your accustomed goodness and care of this poor kirk and kingdom) shall not be graciously pleased to allow that the pressing of these articles may be forborn until the same may be considered of in an assembly and parliament; and although we conceive episcopacy to be a church government most agreeable with monarchy, yet the illimited power which the lords of the clergy of this kingdom have of late assumed to themselves, in admitting and deposing of ministers, and in divers other of their acts and proceedings, gives us just ground humbly to beg that your majesty may be pleased to remit to the consideration of the assembly this their unwarranted power.

The sense and apprehension of these foresaid evils hath stirred up the subjects, without warrant of authority, to join in a bond and covenant, to withstand the foresaid innovations, and for maintenance of the true religion, the king's majesty's person, and of one another in the defence thereof.

If your majesty might be graciously pleased in supplement hereof to allow or warrant such a confession of faith, with such a covenant or bond joined thereto as that signed by your majesty's father, and by his command, by the council, and most part of the kingdom, we are very confident the same would be a ready and forcible mean to quiet the present disorders, at least to satisfy most part; and if your majesty shall condescend to the foresaid propositions, we are hopeful, if not confident, it shall give so great content to so considerable a number of your majesty's good subjects, of all qualities, that if any shall stand out, or withstand your majesty's royal pleasure, after the publication thereof, they may be overtaken by your majesty's power within this kingdom, without the help or assistance of any force elsewhere.

And because it is to be hoped that all that hath past in this business, and all the courses that have been taken herein by the subjects, hath proceeded from the foresaid fears of innovations, and not out of any disloyalty or dissatisfaction to sovereignty, and that your good people may still taste the fruits of your grace and goodness, we wish your majesty may be graciously pleased, upon the word of a king, to pardon what is past, and never so much as to take notice of any of the actions or proceedings of what person soever, who after this shall carry himself as becomes a dutiful subject, and in testification thereof shall give his best assistance for settling the present disorders.

And if your majesty may be pleased to condescend hereto, we conceive all your majesty's subjects, petitioners or covenanters, should acquiesce, and rest heartily satisfied therewith; and if any shall be so foolish or mad, as, notwithstanding this your majesty's grace and goodness, still to disturb the peace of your majesty's government, we in testification of our hearty thankfulness to our sovereign, by these humbly and heartily make offer of our lives and fortunes, for assisting your majesty, or your commissioner, in suppressing all such insolences or insolent persons.

Signed,

Hamilton. Roxburgh.
Traquair. Southesk.

94 From Broxmouth he went forward to wait on his majesty, 72 and did shew him, that unless he enlarged his instructions he was to treat no further; since he saw the contempt was like to be put on the last instructions so visibly, that he durst not make use of them, lest he should thereby have exposed his majesty's goodness to new affronts. And as he represented this to his majesty, so he told him, nothing seemed so likely a course for removing of jealousies and settling all things, as the authorizing the covenant that upon king James's command was drawn up by Mr. John Craig, an. 1580, containing the renunciation of all the articles of popery, which was the ground of the present covenant.

95 His majesty did utterly disrelish the proposition of signing that covenant, usually called *the negative confession;* for he remembered how his father had resented his doing of that, as rash and indeliberate. And it seemed strange to him that so many negatives should be sworn to, especially with such aggravations of epithets; as if one might not be firm enough to the protestant doctrine, unless he not only abjured popery in bulk, but also by retail, in so many particulars, some whereof might be both uncertain and indifferent. And it seemed tyrannical over tender consciences to require such an oath from all persons, but more especially from women, and simple people, who could not judge well, and so were not fit to swear in such nice points; therefore the king said, he looked upon the remedy proposed as full as bad, if not worse, than the disease. The marquis was so far from denying this, that he confessed he could hardly, without straining of his own conscience, resolve on the doing of it himself, upon divers

accounts; a chief one being, that in disclaiming of transubstantiation, the real presence of the body and blood of Christ was rejected, which he could not sign without declaring, that by *real* he understood *corporal* (and this he accordingly declared when he signed it). But to this he added, that it was the idol of Scotland, and he saw no other way to reduce things to any temper, unless this course were taken and followed.

96 He presented likewise to the king a paper of all the inconveniences which were not only like to follow on the calling of an assembly, but seemed certain: which account was so full, that when the bishop of Ross came up after that, being sent by the bishops, to divert the king from calling an assembly, his majesty said, he offered no inconvenience could follow on it, but what the marquis had laid out to the full before him. And now the king resolved to try the utmost of yielding, for the recovery of his subjects; therefore he again despatched his commissioner from Oatlands, on the tenth of September, with ample instructions, which follow:

97 Charles R.

I. You shall in full and ample manner, by proclamation or otherwise, as you shall see cause, declare, that we do absolutely revoke the Service-book, the Book of Canons, and the high commission.

II. You shall likewise discharge the practice of the five articles of Perth, notwithstanding the act of parliament, which doth command the same, and in the said proclamation you shall promise, in our name, that if in the first parliament to be held the three estates shall think fit to repeal the said act, we shall then give our royal 73
assent to the said act of repeal.

III. You shall likewise declare, that we have enjoined and authorized the lords of our privy council to subscribe the confession of faith, and bonds thereto annexed, which was subscribed by our dear father, and enjoined by his authority in the year 1580, and likewise have enjoined them to take order that all our subjects subscribe the same.

IV. You shall likewise declare, that our meaning and pleasure is, that none of our subjects, whether ecclesiastical or civil, shall be exempted from censures and trial of the parliament, or general assembly, those courts proceeding against them in due form and order of law.

V. You shall likewise declare, that we are graciously content

that the episcopal government, already established, shall be limited with such instructions as may stand with the laws of this church and kingdom already established.

VI. You shall offer a pardon by proclamation, and promise in it a ratification of the same in parliament, to all our good subjects, who shall rest satisfied with this our gracious declaration, and hereafter carry themselves as becomes peaceable and dutiful subjects.

VII. You shall procure an act of council, wherein every councillor shall declare himself fully satisfied with this our declaration, and (if you can) they shall moreover solemnly swear and protest to adhere to us, and with their lives, fortunes, and whole means, assist us in the punishing and repressing all such as shall be found to be disobedient to us, or persist in turbulent and unpeaceable courses; and if any of our concillors shall refuse so to do, you shall presently remove him from the place of a councillor.

VIII. You shall likewise require every lord of the session to subscribe the confession of faith abovementioned, and the bond thereunto annexed; as likewise to make the same protestation in all things as in the last instruction is required of a councillor: and if they shall refuse to do it, you shall then certify to us the names of such refusers.

IX. You shall likewise declare that our pleasure is, that a most solemn fast be indicted upon a set day throughout the whole kingdom, which shall precede the general assembly in some competent time. The causes shall be declared, to beg God's blessing on that assembly, to beg of God a peaceable end to the distractions of this church and kingdom, with the aversion of God's heavy judgment from both. The form of indiction we desire to be according to the most laudable custom of this church in most extraordinary cases.

X. You shall labour as much as in you lieth, that both the electors, and persons elected to be commissioners at the general assembly, shall be the same that were wont to be in my father's time, and the same forms to be observed as near as may be; but yet if that cannot be obtained, it shall be no let to you from indicting a general assembly; but you shall go on in it, by all such means as you shall find to be most advantageous to me in that service.

XI. The time and place of the assembly (Edinburgh only excepted) we leave to your judgment and pleasure.

XII. You shall likewise presently indict a parliament; the time and place we leave likewise to you.

XIII. Whether you shall first publish our gracious offers, or first indict the assembly, we leave it to your own judgment as you shall see cause.

XIV. If you shall find the most considerable part of the council not to acquiesce in this our gracious declaration, and not to promise 74 hearty and cheerful assistance to us, as is above expressed, or not a considerable part of other lords and gentlemen, in case our council refuse, then you shall neither indict parliament nor assembly, nor publish any of my gracious offers, except only the abolishing of the Service-Book, Book of Canons, and high commission; but leave them to themselves, and to such further order as we shall be forced to take with them: only if you foresee a breach, you shall give timely warning thereof, to such as have stood well affected to our service, that so they may in due time provide for their safety; and yourself is to return to us with expedition.

XV. You must by all means possible you can think of be infusing into the ministers what a wrong it will be unto them, and what an oppression upon the freedom of their judgments, if there must be such a number of laics to overbear them, both in their elections for the general assembly and afterwards.

XVI. Likewise you must infuse into the lay-lords and gentlemen, with art and industry, how manifestly they will suffer if they let the presbyters get head upon them.

XVII. For the forms of these we leave to you, and such learned council as you shall use upon the place, always provided that you retain the substance of these our instructions.

XVIII. You shall enjoin in our name the lords of council and all other our good subjects to subscribe the confession of faith signed by our dear father; and publish our charge to all commissioners and ministers for that end, according to the same, signed with our royal hand; and further proceed in that particular according as we have directed you and our council by our letter to that effect.

Oatlands the 9th of Septemb. 1638. CHARLES R.

98 With these his majesty did also sign the following instructions for his behaviour with the bishops:

CHARLES R.

You shall shew my lord of St. Andrew's that we intend, by being content with his demission of the chancellor's place, no injury to him; and most willing we are, that in the manner of doing it he may receive no prejudice in his reputation, though we cannot admit at this time of his nominating a successor: and to make it more plain that we are far from having any thought to affront him, by thinking of his demission, we will in no ways that you urge him to do it; yet you are to intimate, that in our opinion a fair demission will

prove more to the advancement of our service, and be better for him, than if he should retain the place.

If you find him willing to demit, you shall then try what consideration he doth expect from us, and if the same be not altogether unreasonable, you shall promise it in our name.

If a demission, then it is presently to be done.

If he resolve to hold that place, then you must presently command his repair to Scotland, all excuses set apart.

You shall communicate to him and the rest of his brethren that 75
far of our intentions, that it is probable you may indict a general assembly.

That we are content absolutely to discharge the Books of Service, and Canons, and the high commission.

You shall shew that the five articles of Perth we are pleased be esteemed as indifferent, and that though we maintain episcopacy, yet we will be content that their power be limited according to the laws.

And it is our further pleasure, that if an assembly be indicted, he and the rest of his brethren be there to defend themselves and their cause: and for that end, that he and they repair to Newcastle, Morpeth, or Berwick, there to attend your further advertisement, that so immediately they may repair to Scotland, not only to answer for themselves at the said assembly, but likewise to consult with you what will be fittest to be done for the advancement of our service, that evil may be kept off so much as in you and them lieth, both from kirk and commonwealth.

Oatlands, the 9th September, 1638. C. R.

99 As for the place where the assembly should be held, though in the written instructions it is referred to my lord commissioner's choice, (Edinburgh only excepted,) yet it seems it hath been concerted betwixt the king and him where it should hold; for in a paper concerning the assembly, presented by the marquis to the king, yet extant, where mention is made of the place of the assembly, the king with his own hand interlined, *Glasgow if may be;* and without doubt that was the fittest place: for as the city was large and convenient, so the magistracy there was right set. Besides, it was next to the place of the marquis's interest, whereby his power for overruling them might have been greatest; neither was it fit they should go so far from the scene as Aberdeen, (which was advised by my lord St. Andrew's;) since for the strangers it

would have been all to one purpose, for thither they would all have flocked; and it seemed not so proper they should meet in a place or country which was still well set, lest the numbers and boldness of those strangers had either poisoned or frighted them from their duty. But to make the whole matter clear, I shall here set down the covenant and bond which were now enjoined by his majesty.

100 We all and every one of us underwritten, protest, that after long and due examination of our consciences in matters of true and false religion, we are now thoroughly resolved in the truth by the word and Spirit of God; and therefore we believe with our hearts, confess with our mouths, subscribe with our hands, and constantly affirm before God and the whole world, that this only is the true Christian faith and religion, pleasing God and bringing salvation to man, which is now by the mercy of God revealed to the world by the preaching of the blessed evangel, and received, believed, and defended by many and sundry notable kirks and realms, but chiefly by the kirk of Scotland, the king's majesty, and the estates of this realm, as God's eternal truth and only ground of our salvation; as more particularly is expressed in the confession of our faith, stablished and publicly confirmed by sundry acts of parliaments, and now of a long time hath been openly professed by the king's majesty and whole body of this realm, both in burgh and land: to the which confession and 76
form of religion we willingly agree in our consciences in all points, as unto God's undoubted truth and verity, grounded only upon his written word; and therefore we abhor and detest all contrary religion and doctrine, but chiefly all kind of papistry in general, and particular heads, even as they are now damned and confuted by the word of God and kirk of Scotland. But in special we detest and refuse the usurped authority of that Roman antichrist upon the scriptures of God, upon the kirk and civil magistrate and consciences of men; all his tyrannous laws made upon indifferent things against our Christian liberty, his erroneous doctrine against the sufficiency of the written word, the perfection of the law, the office of Christ, and his blessed evangel; his corrupted doctrine concerning original sin, our natural inability and rebellion to God's law, our justification by faith only, our imperfect sanctification, and obedience to the law, the nature, number, and use of the holy sacraments; his five bastard sacraments, with all his rites, ceremonies, and false doctrine, added to the ministration of the true sacraments without the word of God, his cruel judgments against infants departing without the sacrament,

his absolute necessity of baptism, his blasphemous opinion of transubstantiation, or real presence of Christ's body in the elements, and receiving of the same by the wicked, or bodies of men; his dispensations with solemn oaths, perjuries, and degrees of marriage forbidden in the word, his cruelty against the innocent divorced, his devilish mass, his blasphemous priesthood, his profane sacrifice for the sins of the dead and the quick, his canonization of men, calling upon angels or saints departed, worshipping of imagery, relicks, and crosses, dedicating of kirks, altars, days, vows to creatures; his purgatory, prayers for the dead, praying or speaking in strange language, with his processions and blasphemous litany, and multitude of advocates or mediators; his manifold orders, auricular confession, his desperate and uncertain repentance, his general and doubtsome faith; his satisfactions of men for their sins, his justification by works, *opus operatum*, works of supererogation, merits, pardons, peregrinations, and stations; his holy water, baptizing of bells, conjuring of spirits, crossing, saning, anointing, conjuring, hallowing of God's good creatures, with the superstitious opinion joined therewith; his worldly monarchy and wicked hierarchy, his three solemn vows, with all the shavellings of sundry sorts; his erroneous and bloody decrees made at Trent, with all the subscribers and approvers of that cruel and bloody bond, conjured against the kirk of God; and finally we detest all his vain allegories, rites, signs, and traditions brought into the kirk, without or against the word of God, and doctrine of his true reformed kirk, to the which we join ourselves willingly in doctrine, faith, religion, discipline, and use of the holy sacraments, as lively members of the same in Christ our head; promising and swearing, by the great name of the Lord our God, that we shall continue in obedience of the doctrine and discipline of this kirk, and shall defend the same according to our vocation and power all the days of our lives, under the pains contained in the law, and danger both of body and soul in the day of God's fearful judgment: and seeing that many are stirred up by Satan and that Roman antichrist to promise, swear, subscribe, and for a time use the holy sacrament in the kirk deceitfully against their own consciences, minding hereby first, under the external cloak of religion, to corrupt and subvert secretly God's true religion within the kirk, and afterward, where time may serve, to become open enemies and persecutors of the 77
same under vain hope of the pope's dispensation devised against the word of God, to his greater confusion, and their double condemnation in the day of the Lord Jesus.

We therefore, willing to take away all suspicion of hypocrisy, and

such double-dealing with God and his kirk, protest and call the Searcher of all hearts to witness that our minds and hearts do fully agree with this our confession, promise, oath, and subscription, so that we are not moved for any worldly respect, but are persuaded only in our consciences through the knowledge and love of God's true religion printed in our hearts by the Holy Spirit, as we shall answer to him in the day when the secrets of all hearts shall be disclosed. And because we perceive that the quietness and stability of our religion and kirk doth depend upon the safety and good behaviour of the king's majesty, as upon a comfortable instrument of God's mercy granted to this country for the maintenance of his kirk and ministration of justice among us, we protest and promise with our hearts, under the same oath, hand-writ, and pains, that we shall defend his person and authority with our bodies and lives, in the defence of Christ his evangel, liberties of our country, ministration of justice, and punishment of iniquity, against all enemies within this realm or without, as we desire our God to be a strong and merciful defender to us in the day of our death, and coming of our Lord Jesus Christ, to whom with the Father and the Holy Spirit be all honour and glory eternally. Amen.

101 WE underscribing and considering the straight link and conjunction betwixt the true and Christian religion presently professed within this realm, and our sovereign lord's estate and standing, having both the selfsame friends and common enemies, and subject to the like event of standing and decay; weighing therewithal the imminent danger threatened to the said religion, the preservation whereof being dearer to us than whatsoever we have dearest to us in this life, and finding in his majesty a most honourable and Christian resolution, to manifest himself to the world that zealous and religious prince which he hath hitherto professed, and to employ the means and power that God hath put into his hands, as well to the withstanding of whatsoever foreign force shall mean within this land for alteration of the said religion or endangering of the present state, as to the repressing of the inward enemies thereto amongst ourselves, linked with them in the said antichristian league and confederacy, have therefore in the presence of Almighty God, and with his majesty's authorizing and allowance, faithfully promised and solemnly sworn, like as we hereby faithfully and solemnly swear and promise, to take a true effauld and plain part with his majesty amongst ourselves, for diverting of the appearing danger threatened to the said religion, and his majesty's state and standing depending thereupon, by whatsoever foreign or intestine plots or preparations; and to that

effect, faithfully, and that upon our truth and honours, bind and oblige us to others to convene and assemble ourselves publicly with our friends in arms, or in quiet manner, at such times and places as we shall be required by his majesty's proclamation, or by writ or message directed to us from his majesty, or any having power from him, and, being convened and assembled, to join and concur with the whole forces of our friends and followers, against whatsoever foreign or intestine powers or papists and their partakers shall arrive or rise within this island, or any part thereof, ready to defend or pursue as we shall be authorized or conducted by his majesty, or any others having his power and commission, to join and hold hand to the execution of whatsoever mean or order shall be thought meet by his majesty and his council, for suppressing of the papists, promotion of the true religion, and settling of his highness' estate and obedience in all the 78
countries and corners of this realm; to expose the hazard of our lives, lands, and goods, and whatsoever means God hath lent us in the defence of the said true and Christian religion and his majesty's person and estate, against whatsoever Jesuits and seminary or mass priests, condemned enemies to God and his majesty, to their utter wreck and exterminion, according to the power granted to us by his majesty's proclamation and acts of parliament, to try, search, and seek out all excommunicates, practisers, and other papists whatever, within our bounds and shire where we keep residence, and delate them to his highness and his privy council, and conform us to such directions as from time to time we shall receive from his majesty and his council in their behalves: and so specially so many of us as presently are or hereafter shall be appointed commissioners in every shire shall follow, pursue, and travel by all means possible, to take and apprehend all such papists, apostates, and excommunicates, as we shall receive in writ from his majesty. And we the remnant within that shire shall concur and assist with the said commissioners, with our whole friends and forces, to that effect, without respect of any person whatsoever, and generally to assist in the meantime, and defend every one of us another, in all and whatsoever quarrels, actions, debates, moved or to be moved against us or any of us, upon action of the present bond or other causes depending thereupon, and effauldly join in defence and pursuit against whatsoever shall offer or intend any injury or revenge against them, or any one of them, for the premises, making his cause and part that is pursued all our parts, notwithstanding whatsoever privy grudge or displeasure standing betwixt us, which shall be no impediment or hinder to our said effauld joining in the said common cause, but to lie over and be

misken'd till they be orderly removed and taken away by the order under-specified. To the which time we, for the better furtherance of the said cause and service, have assured, and by the tenor hereof every one of us, taking the burden upon us for ourselves, and all that we may let assure each other to be unhurt, unharmed, or any ways to be invaded by us or any our aforesaids, for old feid or new, otherwise than by ordinary course of law and justice; neither shall we or any of our foresaids make any provocation or tumult, trouble or displeasure, to others in any sort, as we shall answer to God, and upon our honours and fidelity to his majesty. And for our further and more hearty union in this service we are content and consent that all whatsoever our feids and variances fallen or that may fall out betwixt us, be within forty days after the date hereof amicably referred and submitted to seven or five indifferent friends, chosen by his majesty of our whole number, and by their moderation and arbitrement compounded and taken away. And finally, that we shall neither directly nor indirectly separate or withdraw us from the union and fellowship of the remnant, by whatsoever suggestion or private advice, or by whatsoever incident regard, or stay such resolution as by common deliberation shall be taken in the premises, as we shall answer to God upon our consciences, and to the world upon our truth and honours, under the pain to be esteemed traitors to God and his majesty, and to have lost all honour, credit, and estimation in time coming. In witness whereof, by his majesty's special command, allowance, and protection promised to us therein, we have subscribed these presents with our hands at 1589.

102 The marquis being thus again despatched took journey to Scotland, and at Ferrybridge he met the bishops, to whom he signified his majesty's pleasure, at which they seemed infinitely grieved, and spoke against it with so great vehemency, as clearly told they were no way pleased with the marquis: yet 79
they resolved to keep the assembly, and in the meanwhile to send one of their number to court, to which he gave way. The archbishop of St. Andrew's seemed willing on a good composition to quit his place of chancellor, and the marquis offered him 2500*l.* sterling, with which he was satisfied.

103 Hitherto the marquis had wrestled against the malice and jealousies of the covenanters, and now storms begun to rise from another hand, which ceased not to persecute him to his grave: but the truth of this narration will best discover both their injustice who charged him, and his innocence.

104 He holding on his journey came to Holyrood-house on the seventeenth of September, where he found jealousies beginning to arise betwixt some of the wiser ministers and the lords of the covenant, concerning the lay-ruling-elders, which he was resolved to cherish with all the art he was master of; causing some represent to the ministers, that if they gave way to that inordinate power gentlemen were pretending to in church matters, it might end in a greater servitude than any they had ever reason to fear from either king or bishops: this was well considered by many, but they were overruled. He also found the covenanters were ready immediately to have indicted an assembly, if he offered at any more delays; and therefore resolved to give them present satisfaction. But his first work was to deal with the lords of the council, most of whom he found abundantly satisfied with his majesty's gracious offers: so that he began again to gather some hopes, and to the first accounts he gave his majesty he had the following return:

105 HAMILTON,

If I should be too long silent, I might seem to contradict that rule which myself prescribed; therefore, though for the present I can say nothing of the main business, yet this must go, if it were but to acknowledge the receipt of your two, viz. of the 12th of September from Ferrybridge, and of the 17th of the same from Holyrood-house. So referring you to the comptroller for what concerns the ordnance that is to be transported to Hull, I rest

Your assured constant friend,

Hampton-Court,
22 Sept. 1638. CHARLES R.

106 Upon the twentieth of September the covenanters sent to ask the marquis when they might wait on him to know his majesty's pleasure: he answered, when they would; for he was resolved to hold a council next day, and the day following to publish it. So on the twenty-first in the morning they came to him: he told them he was going to council to make his majesty's pleasure known, which should be also known at the Cross next day; but for their present joy he told them that the king had granted all they had desired, and more also, and that a free assembly and parliament should be immediately indicted. Some did hang their heads, and seemed sur-

prised, yet they expressed thanks. He also spoke frankly 80
to some of them, telling them what the particulars were which his majesty had granted; for having opened them to so many privy councillors, he could not think but all was known to them. They seemed reasonably well satisfied, only they pressed him to desist from renewing the confession of faith; for they clearly saw that this could not but take off a great many, and would heal most of the subjects of the jealousies they had been infusing in them: but he resolved to hear of no delay, having made most of the councillors sure beforehand, and that by oath. The council sat in the afternoon, and it was a very frequent meeting. After they were set, the marquis, with all the art and industry he could think of, laid out his majesty's gracious intentions for the preservation of the true reformed religion, and the laws and liberties of that kingdom; and that for the saving it from utter ruin, and keeping of peace in the land, he had done many things to which he had never been induced to have given way, except out of that consideration.

107 Then was the king's letter to the council read, which was of the same strain with the instructions, after which there was a general silence. But the marquis (not willing that should last long, much less that any whose affection he suspected should begin the discourse) desired Traquair to speak, who spoke (as he used to do) both long and well. After that, he called up ten or twelve, of whom he was most assured, who expressed their satisfaction to the full. Then he pressed it might be put to the vote, but some desired they might proceed more maturely, since it was a confession of faith they were to sign. This could not be refused, and so was followed by a long debate, and in end many desired they might not be put to sign it that night. The marquis remembering the disorder had followed upon the last act, and resolving not to run such a risk again, said, he did not desire it should be signed that night, but that they should be ready for it next morning; withal protesting he would have none sign it but such whose consciences were satisfied, and who were ready to hazard life and fortune in the prosecution of it: and so after he had caused registrate his majesty's letter, they rose about ten o'clock at night.

108 Most part of that night he spent in labouring those who had scruples, and consulting with such as were well affected.

In the morning the clerk-register and king's advocate came to draw the forms of indicting the assembly. The king's advocate seemed unwilling it should be according to the style used in king James's latest times, but he was overruled. About six in the morning the earl of Rothes, and many of the covenanting lords, desired access; and the marquis, calling as many of the council together as could be had of a sudden, admitted them. Rothes, in the name of the rest, said, they heard the council were to sign the old confession of faith, and to publish a declaration thereabout, which they desired might be delayed till Monday next, and then they doubted not to be able to give good reasons why they should not do it. The marquis replied, he should return them an answer by the advice of the lords of the council quickly; and from them he went to council, being firmly resolved to admit of no delay, knowing that it was sought on design to divide the council. The covenanters upon their petition were called in to the council, and they raised a long debate, which lasted about four hours, and in the end 81
no delay was granted, at which the covenanters were infinitely discontented, and went away, not without some big words. At length, after three hours more debate amongst the councillors, it was carried without a contrary voice that the confession should be presently signed: next, the proclamation of grace was ordered to be published, with another, for indicting an assembly at Glasgow the twenty-first of November, and another for a parliament at Edinburgh the 15th of May next: then they passed an act, declaring their full satisfaction with his majesty's concessions, together with a letter of thanks to his majesty, expressing their full satisfaction, with large engagements to adhere constantly to his service; and so they rose at four o'clock, having sat from seven in the morning.

109 The proclamations were immediately sent to the Cross, which there met with protestations; but many judged they went upon grounds so weak, that it was visible they were designed for no other end but to keep the people from being satisfied, and to hinder the subscription of the confession and bond. Many of the council were displeased with the protestation, and swore to the marquis, that since religion was

now secured, they would appear in another manner for the king's interest; but all he could do could not persuade them to pass a censure upon the protestation as seditious. Next, there were commissions given out for the shires to seek in subscriptions to the confession of faith; and the earl of Rothes and some other covenanters were joined in the commission for the several shires: which was censured by many, but most of all by the king himself, who knew not how to construct of this, as will appear by a letter which will be inserted in its place. But most of the councillors were earnest for it upon these reasons, that it gave these lords a fair opportunity of retreating, if they would accept of it; it might also confirm all that the king's indemnity was designed to be real, when such persons were so soon trusted: it might give some jealousy to the other covenanters against those who were so trusted, as if underhand they had given some engagements. But chiefly the body of the people would be very much persuaded that the thing was designed in earnest, when they read those names in the commissions. Upon these grounds the marquis yielded to the desires of the councillors, and the king was fully satisfied when he was informed about it; which will quickly appear. Upon the notice his majesty had of what passed, he wrote the following letter:

110 HAMILTON,

I have no time now to make my observations upon your proceedings, therefore now I shall only tell you that I approve them all, (in what concerns your part of them;) and that not only so, but that I esteem it to be very great service (as the times are). This much I thought necessary at this time to encourage you in your proceedings: my next shall be longer, yet this is enough to assure you that I am

Your assured constant friend,

Hampton-Court, *30 Sept.* 1638. CHARLES R.

111 This being done, the marquis's next work was to preserve 82
episcopacy, which was in visible hazard, since the worst-affected every where were chosen commissioners for the assembly: and of this he advertised the king, desiring him to go on with his preparations, for fear of the worst: and particularly he remembered him of the resolution he had taken about Berwick, which was, that because soldiers could not be levied in England, and sent thither, without making a direct breach;

therefore a thousand and five hundred soldiers should be levied in the prince of Orange's name in Holland, and these be suddenly shipped, and as suddenly landed at Berwick for securing of that place. But withal he advertised his majesty to go on with much secrecy, lest the covenanters might take the start of him; and therefore he advised the stopping of a magazine that was to be sent to Hull, which, since it was not presently to be made use of, he thought might lie as well in the Tower of London as there. And to this despatch he had the following answer:

112 HAMILTON,

I see by yours of the 27th of September that the malignity of the covenanters is greater than ever, so that if you who are my true servants do not use extraordinary care and industry, my affairs in that kingdom are likely rather to grow worse than better: therefore, you that do your endeavours accordingly deserve the more praise, and your opposers the more punishment; and in my mind this last protestation deserves more than any thing yet they have done, for if raising of sedition be treason, this can be judged no less. And methinks if the college of justice have signed my covenant, (which I hope they have, because I hear nothing in the contrary,) it were no impossible thing to get them to do me justice in this particular. And this I will say confidently, that until at least the adherers to this last protestation be declared traitors, nothing will go as it ought in that kingdom; I say this, not to alter your course, but only to shew you my opinion of the state of affairs.

As for the danger that episcopal government is in, I do not hold it so much as you do; for I believe that the number of those that are against episcopacy (who are not in their hearts against monarchy) is not so considerable as you take it.

And for this general assembly, though I can expect no good from it, yet I hope you may hinder much of the ill; first, by putting divisions among them concerning the legality of their elections, then by protestations against their tumultuous proceedings. And I think it were not amiss if you could get their freedom defined, (before their meeting,) so that it were not done too much in their favours. And I hope you will remember to weigh well the propositions for the assembly, and send them up to me with all convenient speed. 83
I have seconded your letter to the major of Newcastle for the freeing of these horses, and have stopped all provisions, according to your advice, at Hull; yet methinks now they may be avowed to

go against those that will not rest satisfied with what you have lately done in my name. But in this I assure you that I take your advice; and so I rest

Your assured constant friend,

Hampton-Court,
20 Oct. 1638. CHARLES R.

113 Now the covenanters were not idle; and two stories were at this time not a little talked of. The one was about one Mistress Mitchelson, who was judged a devout person; (a zealous covenanter she was:) she was troubled with vapours, and, as is incident to persons in that condition, spoke as one transported, and most of all her raptures were about the covenant: she did also inveigh severely against the late act for signing the confession of faith. This was highly magnified, and she was spoken of as a person inspired of God, and her words were recited as oracles, not a few taking them from her mouth in characters. People of the best quality came to see her in her fits, and she was brought to the house of a noted covenanter, and laid in a large bedchamber, which was always crowded to the doors: she was called an impostress by many, but those who understood nature better, knew the root of her distemper, which to have called so at that time had met with a high censure: though, it afterwards abating, they were willing to defend it under that notion, and counted them favourable who believed no worse of it.

114 The other story was of one Abernethy, who from a Jesuit priest turned a zealous presbyterian, and had learned so much falsehood in the Jesuits' school as to forge a story of the liturgy of Scotland being sent to Rome to some cardinals to be revised by them, and that signior Con had shewed it to himself there. Upon the report of this, the marquis wrote to Con, who was then at London: but Con protested seriously he never so much as had heard of a liturgy designed for Scotland, till he came last to England; that he had never seen that Abernethy at Rome but once, and finding him light-headed, had never again taken notice of him: yet Abernethy's story had a ready belief as well as a welcome hearing; though the lightness and weakness of the man became afterwards so visible, that small account was made either of him or his story, which at this time took wonderfully.

115 Upon the 24th of September a new debate arose in the

council, which had almost set all wrong again. Some at the board, whose hearts were with the covenanters, moved that it might be declared, that matters of discipline and ceremonies were points of faith: this was at length debated, and determined in the negative. The marquis's next care was to write to all the king's friends through Scotland, that they might see his majesty's proclamation published, and get in as many subscriptions to the confession of faith as was possible, and do their utmost to see that the elections of the commissioners to the assembly might be well considered: but in 84
none did he confide more, and to none did he write more freely than to the marquis of Huntley, who expressed great zeal for his majesty's service, of which he gave the king a full account; and as he saw cause, he moved his majesty to write divers letters for encouraging all his good subjects. The doctors of Aberdeen were also much cherished by him, and very kindly recommended to the king; neither was any thing omitted that might cherish such as he saw well-affected to his majesty's service. He caused also draw a remonstrance against lay-elders, and sent it through the country, to get as many ministers' hands to it as was possible against the sitting of the assembly. He was likewise very earnest with the doctors of Aberdeen to have come to Glasgow to the assembly, finding them the only persons then in Scotland fit for undertaking the defence of episcopacy: he was to have sent one of his coaches to the north for them, but that road, being always bad for a coach, was unpassable in winter; and the doctors were so extremely averse from coming, that he could not importune them any further, since he saw it was resolved, that though an angel from heaven should come to plead for episcopacy, all would be rejected. He also discovered the prelimitations which *the tables* were setting on the assembly, by the orders they sent through all the presbyteries, both about lay-elders, and that none should be chosen save covenanters, and chiefly those that were able to argue on those heads that were under debate. In the mean time he went home to Hamilton, to get those of Cliddisdale to sign the confession, the justice-clerk having gone before him to Glasgow, and published the proclamations there; but he himself met with more difficulty in Cliddisdale; yet he overcame

most of them, though they had been strangely wrought upon to resist him: of all which having given the king an account he had from him the following letter:

116 HAMILTON,

I confess this last despatch does more put me to seek how to judge of the affairs of that kingdom than any that I have yet received; for I did not think that you would have met with so much opposition within your bounds, since (as I thought) you past well over a greater difficulty, to wit, the peevishness of the council. The cause of this I judge to be, that you did not make so much opposition against the protestation as it deserved, though (I believe) as much as you could. But one thing I desire you to send me the reason of, which is, why you have mingled the protesters with my good subjects as commissioners in most of all the shires for the procuring of subscriptions to my bond. Now it seems to me that this will make the covenanters oppose my service with a show of more authority than otherwise they could, (and certainly you cannot but imagine that they must oppose that that they have protested against;) for by this the ignorant multitude may be brought to believe that my council have either admitted, or at least do not 85
gainsay, the protestation: yet whether I be right in this or not, I will suspend my judgment, even of my own opinion, until I hear from you. But one thing I will confidently affirm, that until most of the council express themselves vigorously in detestation of this last damnable protestation never look for any obedience there. In the latter end of your letter you are very careful not to give them cause of fears of my preparations, or hindering theirs; yet in the middle persuade to hasten on mine: now, besides that this seems to me a contradiction, I think that there is as much (if not more) danger now, that they should imagine I fear to displease them, than to make them scar at my preparations, or for stopping of theirs; for now that the pretext of religion is (I dare say) fully satisfied, fearful proceeding may now hazard the loss of the little party we have, by making them probably fear that I either cannot or dare not maintain my own authority. But I doubt not your dexterity and diligence will help me to break through these difficulties, and so I rest

Your assured constant friend,

Hampton-Court,
9 Octob. 1638.

CHARLES R.

117 This letter seems of another strain than the former; but as soon as his majesty was informed of the reasons, which were given in the former account of the proceedings of the

council the 22nd of September, which were forgotten by the marquis in the long despatch he then sent, he was well satisfied, as will appear by his letter bearing date the 24th of October, to be inserted in its due place.

118 Many every where did at first offer to sign the confession, and the covenanters, seeing an inclination in most persons to return to their duty, forgot nothing could be devised to fill the people's minds with new jealousies, as if the king were but abusing them, and intended the performance of nothing that was promised; all being done only to evite the present storm, which would be no sooner calmed, but they might expect worse usage than ever: and with this they added a great many reasons to persuade all that it was perjury for such as had taken the covenant to sign the confession. And the sins of Scotland being so great, that they were to be punished with a tract of bloody civil wars, God, in his holy and wise judgments, permitted the poor people to be so blind in their obedience to their leaders, that these arts took universally with them; to which may be justly imputed all the mischiefs that kingdom hath smarted under ever since.

119 The covenanters were no less careful to see well to the elections for the assembly, the ruling elders coming to all the presbyteries, and being of one knot, and men of power, carried the elections as they pleased; for there being an elder out of every parish, they equalled the ministers in number, but exceeded them when the election was voted, all the ministers 86
who were on the list, and were ordinarily six or seven, being removed; yet in many presbyteries protestations were used against them by some ministers. The marquis seeing how things were carried, and having informations from all places of the unlucky elections, begun to draw up the nullities of the assembly, sending the particulars to the king as he had them; advising him withal to go on more frankly with his preparations, since he saw it impossible to prevent a rupture at Glasgow. And it was now apparent to him, that the factious spirits among the gentry and ministry were resolved to receive no satisfaction from any thing the king could offer, how just and rational soever.

120 The king's Declaration was published through all the shires in Scotland; in some it met with protestations, but in other

places the marquis's diligence in sending the commissions for it had prevented *the tables.*

121 Most of the councillors were slack in procuring of subscriptions, yet in all there were twenty-eight thousand subscribers; of which number those the marquis of Huntley procured made twelve thousand.

122 But I should be injurious to the memory of the bishop and doctors of Aberdeen, did not I mention how they signed the confession, it being presented to them by the marquis of Huntley. The matter is little known, and the original is in my hands, therefore it will not be unpleasant that I relate how they signed it with these seven restrictions, which I shall set down in their own words:

123 First, we do heartily abhor and condemn all errors truly popish, or repugnant to the holy Scripture, and consequently to the uniform doctrine of the reformed kirks, and to our national confession registered in parliament an. 1567.

Secondly, we do noways hereby abjure or condemn episcopal government, as it was in the days and after the days of the apostles in the Christian kirk for many hundreds of years, and is now conform thereto restored in the kirk of Scotland.

Thirdly, we do not hereby condemn nor abjure the five Perth articles, or any thing lawful of that sort, which shall be found by the church conducible at any time for good policy and order, or which is practised by any sound reformed kirk.

Fourthly, we still hold to that clause of our great national confession, (chap. 20. art. 21.) that the general councils, and consequently the national kirk of Scotland, have no power to make any perpetual law which God before hath not made.

Fifthly, by the adhering to the discipline of the reformed kirk of Scotland, we mean not any immutability of that presbyterial government which was an. 1581, or of any other human institution: but we do hereby understand that the ecclesiastical jurisdiction and discipline of the kirk of Scotland doth not depend on the pope of Rome, or any other foreign power; and hereby we do confess our constant obedience to the kirk of Scotland in all her lawful constitutions.

Sixthly, we do not presume by this our personal oath either to prejudge the liberty of the kirk of Scotland to change and reform this foresiad short confession, in some ambiguities and obscure expressions thereof, whereupon some men have builded inconvenient

interpretations and doctrines, or to exime ourselves from obedience to the kirk in that case.

Seventhly, by this our personal oath we do not take upon us to 87
lay any further bond upon our posterity than the word of God doth, recommending only our example to them so far as they shall find it agreeable to God's word.

In this sense as is said, and no otherwise, do we subscribe the said confession and the general bond annexed thereunto, at Aberdeen, Oct. 5, 1638.

Signed,

Ad. Aberdonen.

John Forbes, D. and P. of Div. Ja. Sibbald, D.D.
R. Barrone, D. and P. of Div. Al. Scrogie, D.D.
Al. Rosse, D.D. Wil. Lesley, D.D.

124 These explanations were too just not to be accepted of by the marquis of Huntley; but lest an humour of annexing explications might have run through others from their example, which might have not only retarded the work, but occasioned new grounds to the covenanters to quarrel this confession, he kept the matter secret, and took their subscription in a bond apart, and so sent it to the marquis. But leaving to the reader to judge how judiciously cautious these exceptions were, I quit this digression and go on.

125 From all places some subscriptions were brought, except from Argyleshire, my lord Argyle alleging that since the assembly was so near, all desired to be excused till it had sat and determined about it. This confirmed the jealousies of him, it being well known how absolute his authority was in that place.

126 The marquis returned to Edinburgh about the 20th of October, but was much disordered to find neither my lord S. Andrew's nor the other bishops come thither as he had appointed; so that he was left destitute of council how to resolve on the legality of his procedure at the assembly: yet having advised with such as he durst trust about the method in which he was to go on at Glasgow, he drew it up, and sent it to my lord of Canterbury to communicate it to his majesty. Likewise those bishops who stayed in Scotland, having pressed him earnestly to prorogue the assembly, foreseeing what was like to follow on it, he advertised his majesty of the hazards which on the one

hand were visible, but on the other hand, if it were prorogued, it would not fail of fortifying the jealousies the covenanters had spread, as if the king intended not to observe what he promised, which might work much on the vulgar. Besides, he saw grounds to fear that most of the council would desert him if he went to that; and certain it was that the covenanters would not obey, but keep the day only with this odds, that they would hold it at Edinburgh: he therefore judged it fitter the day should be kept, and his majesty's gracious offers first proposed, and next the nullities of the elections examined, and then the bishop's declinator offered; and by that time there was no reason to doubt they would give too good grounds for dissolving them. All this he submitted to his majesty's judgment, adding, that if he thought fit to prorogue it, there were grounds enough, from the actions of the covenanters, for justifying it, but a present rupture would be unavoidable; to which he received the following answer:

127 HAMILTON. 88

You will receive a particular answer by my lord of Canterbury of all your propositions touching the assembly, wherein you will find that my alterations are rather circumstantial than material. As concerning the way of your proceeding, though I confess of importance to my service, you foreseeing rightly what my judgment would be of them; yet I dare say I have left them as full as any of my proclamations or declarations, and why I should go further I see no reason; for certainly those that will not be contented with what I have done already, will be less contented if I should do more. As for the opinions of the clergy to prorogue this assembly, I utterly dislike them, for I should more hurt my reputation by not keeping it, than their mad acts can prejudice my service; wherefore I command you hold your day: but (as you write) if you can break them by proving nullities in their proceedings, nothing better. Lastly, concerning assessors, I like their names, and (as you say) you must not suffer me to lose my privilege. To conclude, I like your way well, and hope (upon consideration) that you will not mislike my alterations, for I will make none in being

Havearing,
29 Oct. 1638.

Your assured constant friend,

CHARLES R.

128 In the end of October the earl of Rothes with the other covenanters petitioned for a warrant to cite the bishops to

appear before the assembly: the marquis answered, the law was patent, and there were legal ways for citing all such as were either within or without the country; but for him to give warrants, it had never a precedent, and so could not be granted, for it was enough that he did not protect them against a fair trial: whereupon the covenanters addressed themselves to the presbytery of Edinburgh for it, who gave warrant for the most scandalous summons that was ever heard of in the Christian church, which is to be seen in the large declaration, wherein all the bishops were cited as guilty of heresy, simony, perjury, incest, adultery, fornication, breach of the sabbath, and what not! to which they added *respectivè*, which many said was on design to abuse the poor vulgar, who could not understand the importance of that law term, but would undoubtedly believe them all guilty of these crimes. This was ordered to be read in the churches of Edinburgh, but carried so secretly, that it was only on the Saturday night before that the marquis had notice of it; whereupon he presently sent to require them under pain of treason to forbear; but that was not formidable to them: so notwithstanding that, it was read in the college church of Edinburgh after communion, and ordered to be read in all the churches over Scotland, and accordingly done.

129 They sent also orders through all Scotland to search into the bishops' conversations, that all their escapes being gathered together, and witnesses being cited to Glasgow, they might find pretexts of justice to second the fervour of their zeal. 89

130 Upon the first of November the session sat down at Edinburgh, and the marquis having dealt with all the lords of that court before, went thither to get them to sign the confession of faith: some desired a delay, and this raised a debate of three hours; at length nine of the fifteen signed it, two were absent, and four refused: but those who signed it durst hardly walk the streets, so odiously had the ministers represented the confession to all.

131 At this time the marquis got the earl of Marre to resign the castle of Edinburgh to the king; five thousand pounds sterling was that he demanded for it, but he was brought to accept of two thousand; and because the earl of Marre would not meddle with the exchequer for payment, the marquis gave

him security out of his own estate for it; and at the same time the archbishop of S. Andrew's resigning the place of chancellor, he gave him also security for two thousand five hundred pounds sterling out of his own fortune: so ready was he to go through with his majesty's affairs, and to hazard the ruin of his fortune and family; for the treasury of Scotland was so entirely exhausted that there was no money in it. And though no payments were made the marquis for the great expense he was at, yet in all his letters to the king he never once complained of it; nor did he press the king to send him money, except only ten thousand pounds sterling, which he earnestly called for to distribute among the bishops and other poor ministers who were ruined for their duty to the king; and though this was not sent, he suffered none of them to be pinched, but supplied them in all their straits, for which the bishops made great acknowledgments, not only to himself, but to my lord of Canterbury, who returned him many thanks in their names. Concerning all these particulars his majesty wrote to him the following letter:

132 HAMILTON,

The letter that Ro. Lesley gave me this day from you, though it be long, yet will require but answer by me in two particulars; (the rest you will find answered by my lord of Canterbury;) to wit, the castle of Edinburgh, and the supply of money to the bishops. To the first I totally agree, both for the man to be put into it, and the sum of three thousand pounds sterling, if you can draw it no lower: for the other, I cannot say how soon I shall be able to do it, expense daily increasing, and in particular the securing of Berwick and Carlisle being of necessity to be done (as you know) in the middle of the next month. But I hope in God at furthest before Christmas, yet I cannot promise it with that secresy that would be wished: for I find the way by the prince of Orange both unpracticable and unsafe. So, both pitying and praising your pains in my 90
service, I rest

Whitehall,
8 *Nov.* 1638.

Your assured constant friend,

CHARLES R.

133 Having got the castle of Edinburgh into his hands, he advised the king to trust gen. Ruthwen (who had returned from the German wars loaded with fame) with the keeping of it;

to which his majesty consented. And this may sufficiently clear the marquis of all other designs but those his duty inspired him with; since to the greatest trust in Scotland, considering those times, and the command that castle hath over Edinburgh, he recommended one whose loyalty was as invincible as his courage. But the marquis having visited the castle found it in the worst case imaginable, not a musket but one in it, and it not for service: very little powder, and not a yard of match. The buying the command of the castle made so great a noise, that he durst not proceed to the furnishing it with men, victuals, and arms, all which were wanting, till the first heats were over, and the body of the covenanters had gone to Glasgow; for besides that they set guards about it, had they set upon it, they would have infallibly carried it, by starving them within, who were able to do them no hurt. Ruthwen would not go to the castle till it were better furnished, neither did the marquis think fit to change the captain of it too soon. But finding him no covenanter, and having taken his oath in writing, which is yet extant, never to surrender it but with his life, he laid down the best course he could for furnishing it; which he got no opportunity to do, as we shall see hereafter.

134 Now was the bishop of Ross, whom my lord S. Andrew's and the other bishops had sent to London, despatched home again, who brought with him the following letter from his majesty:

135 HAMILTON,

I would not answer your two of the 14th and 15th of this month till I had fully despatched the bishop of Ross, whom I have sent away not only well instructed, but well satisfied with my ways. It is true that his instructions were not totally according to our grounds, but I made him alter (I am confident) as well in judgment as obedience; for upon discourse he much approved of my alterations, confessing likewise that you upon the place may find reason to make more; wherefore all is referred to you, as well what I answered as what not: so leaving and recommending him to your care, I come to answer your last letters, with the account of which I am much more satisfied than your other despatch before; as likewise you have fully satisfied me in all my queries, and in particular, I confess clearly you had reason to join the covenanters with my honest servants for 91

procuring of subscriptions to my bond, because I see the council would have it so. But certainly it had been better otherwise if you could have done it with their consent. In short, I am truly and fully satisfied with all your proceedings, so that you may be confident that I am

Your assured constant friend,

Whitehall,
24 Octob. 1638.

CHARLES R.

136 The draught of the bishops' declinator was revised by the king, and his majesty made divers observations and amendments with his own hand, yet extant: which paper, though not so clearly to be understood, unless the first draught of the declinator were to be set down with it, which is not in the writer's power; yet may give some satisfaction, and at least will both shew how tender his majesty was of any thing which might give new irritations to his distempered subjects, and how diligently himself reviewed all papers.

His majesty's observations upon the declinator.

137 CHARLES R.

I. The second reason to be advised with my lord commissioner, whether or not it be safe at this time to except against the form of the publication of the indiction of the assembly.

II. The third is a very good reason against the proceeding of the assembly, but will not infer a nullity.

III. In all the reasons where the assembly is called a pretended assembly, it is his majesty's pleasure that the word *pretended* be deleted out of the copy shewed to his majesty.

IV. For the seventh reason, if it offend not the inferior clergy, his majesty is contented with it.

V. In the ninth reason, to omit the precondemning of the Service-book, Book of Canons, and high commission.

VI. The tenth reason is so full that the eighth may be totally omitted.

VII. The eleventh reason militates abundantly against all those who hold such tenets, that they cannot voice in the assembly, though it infer not an absolute nullity of the assembly.

VIII. The thirteenth, *de loco tuto et accessu tuto,* to be totally omitted.

IX. The fourteenth and last to be totally omitted.

X. In the conclusion there is one clause marked by his majesty's own hand, which is to be omitted.

Whitehall, 19th October, 1638.

138 The marquis having got clear directions in every particular, 92
(for not so much as the speech he was to have at Glasgow but was sent up and returned with the king's superscription, a few lines of the first draught being only dashed out by his majesty,) he resolved to set out for Glasgow on the 16th of November. But before he went, he declared in council that his majesty's positive pleasure was, that episcopacy might be limited, but not abolished; and delivered them a letter from the king, commanding them to follow him to Glasgow; and required the king's advocate to prepare himself to defend episcopacy to be according to the laws of Scotland: he answered, that it was against his conscience to do so, and that he judged episcopacy both contrary to the word of God and to the laws of this church and kingdom. This brisk answer, though it was no surprise to the marquis, put his temper to a greater trial than any thing he met with in Scotland: he threatened him with taking his place from him, but he answered him boldly, that his right to it was ratified in parliament. So he could do no more for that time but command him not to come to Glasgow, which he obeyed.

139 On the 17th of November the marquis came to Glasgow, and thither came to him a letter from the bishops of Ross and Brechin, whom he left in Hamilton till he had opportunity of conveying them securely to the castle of Glasgow, which he did. The night after, he received the letter that follows:

140 May it please your Grace,

What came from my lord S. Andrew's is herewith enclosed. We humbly and heartily thank your grace for your excessive favour and kindness towards us; we must take it the more kindly, that we know at such a time it is to let others see what respect your grace carries to our coat: for ourselves we could more willingly choose a more sober diet and less ease; considering our own sins, and the difficulties of the times, do admonish us rather to fast than feast, to afflict our souls, rather than to relish any worldly pleasure. But above all we two for ourselves, and in name of our brethren, do with most thankful hearts acknowledge your grace's most pious care of the liberties of this poor distressed and distracted church; and especially the solicitude and care your grace hath, that our protestation be orderly done, secretly kept, and seasonably presented,

before either the cause or we that are bishops suffer wrong. It is that which now concerneth us most and is dearest to us, both for conscience before God, and our credit to the present age and future; and we cannot express how happy we are to have in this exigent such a pious and noble patron, careful and solicitous with the most tender affection both of our cause and persons, where otherwise (with the greatest loss, at least hazard, can be, to discharge our duty to God and his Church) we should be necessitated to do it ourselves, and haply neither with so much safety nor honour. God will reward your grace, we are confident, and bless your grace and yours; for we dare aver in this division your grace hath made choice of the better part. The difficulties are great, the hopes none, but too pregnant fears to the contrary; yet it is the more like to be God's cause, that his work may appear; and it may be called *digitus Dei*, and marvellous in our eyes. Man's extremity is God's opportunity.

We have given doctor Hamilton our best directions, which we submit humbly to your grace's better judgment, to add and command what you think fit: he needs no more deputation, but the 93
inserting of his name in the procuratory, which is in the close of the declinator. Above all we have recommended to him a care that it may be timeously presented; but in this we trust only to your grace.

As we pity the difficulties your grace is cast into, so shall we be earnest supplicants to God Almighty, to bless and preserve your grace in this and all other services, wherewith God and his majesty hath trusted you.

Your grace's most humble
and bounden servants,

Hamilton, Nov. 20, 1638.

JOHN ROSSEN.
WAL. BRECHINEN.

P.S.—What goes from my lord of St. Andrew's directed to me, I beseech your grace to open and read for your own use.

141 Because of an ambiguous word which was in the paper the marquis was to offer in his majesty's name to the assembly, so strictly conscientious was his majesty, that he wrote his sense of it in the following letter that found him at Glasgow.

142 HAMILTON,

This is rather to give the reason of my answer than the answer itself (you being to receive it at large by my lord of Canterbury.) The truth is, that the same reason which made me blot out the

whole sentence before hath made me desire to alter a word now; to wit, that I should not be thought to desire the abolishing of that in Scotland which I approve and maintain in England, namely, the five articles of Perth: now the word *content* expresses enough my consent to have them surcease for the present; but the word *pleased* methinks imports as much as if I desired them to take them away, or at least were well pleased that they should do so. But I leave it to your ordering, so that you make it be clearly understood that though I permit, yet I would be better pleased if they would let them alone; and so I rest

Whitehall, 21st of Novemb. 1638.

Your assured constant friend,
CHARLES R.

143 At Glasgow the marquis found the greatest confluence of people that perhaps ever met in these parts of Europe at an assembly. On the 21st they sat down; Mr. Bell, minister of Glasgow, preached, as the marquis had ordered. The marquis judged it was a sad sight to see such an assembly, for not a gown was among them all, but many had swords and daggers about them: when they were set, he as lord commissioner begun with this speech:

144 MY LORDS, AND THE REST OF THIS REVEREND ASSEMBLY; 94

The making of long harangues is not suitable either with my education or profession, much less with this time, which now after so much talking ought to be a time of action.

I pray God that as a great (and I hope the worst) part of men's spirits hath been evaporated into bitter and invective speeches, so the best and last part of them may be reserved for deeds, and these answerable to the professions which have been made on all sides when this great assembly should come.

For the professions which have been made by our sacred sovereign, (whom God long preserve to reign over us,) I am come hither by his command to make them good to his whole people, whom to his grief he hath found to have been poisoned (by whom I know not well, but God forgive them) with misconceits of his intentions, concerning the religion professed in this church and kingdom. But to rectify all such misconceptions of his subjects, his majesty's desire is, that before this assembly proceed to any thing else, his subjects may receive ample and clear satisfaction in these points, wherein his majesty's gracious intentions have been misdoubted, or glanced at, by the malevolent aspects of such as are afraid that his majesty's

good subjects should see his clear mind through any other glasses or spectacles than those they have tempered and fitted for them.

Those sinistrous aspersions, dispersed by surmises, have been especially two; first, as if there had been in his majesty, if not some intention, yet at least some inclination to give way, if not to alterations, yet to some innovations in the religion professed in and established by the laws of this church and kingdom.

I am confident that no man can harbour or retain any such thought in his breast any more, when his majesty hath commanded that confession of faith (which you call the negative) to be subscribed by all his subjects whatsoever, and hath been graciously pleased to put the execution of this his royal command in your own hands.

The next false, and indeed foul and devilish surmise, wherewith his good subjects have been misled, is, that nothing promised in his majesty's last most gracious proclamation (though most ungraciously received) was ever intended to be performed, nay, not the assembly itself; but that only time was to be gained, till his majesty by arms might oppress this his own native kingdom; than which report hell itself could not have raised a blacker and falser.

For that part which concerneth the report of the intention of not holding the assembly, this day and place, as was first promised and proclaimed, (thanks be to God,) confuteth that calumny abundantly; for the other, of making good what his majesty did promise in his last gracious proclamation, his majesty hath commanded me thus to express his heart to all his good subjects.

He hath seriously considered all the grievances of his subjects which have been presented to him by all and several of their petitions, remonstrances, and supplications, exhibited unto himself, his commissioner, and lords of his secret council, and hath graciously granted them all; and as he hath already granted as far as could 95
be by proclamation, so he doth now desire that his subjects may be assured of them by acts of this general assembly, and afterwards by acts of parliament *respective*.

And therefore he not only desires, but commands, that all the particulars he hath promised be first gone in hand with in this assembly, and enacted, and then afterwards what his subjects shall desire, being found reasonable, may be next thought upon, that so it may be known to God and the whole world, and particularly to all his good subjects, how careful his majesty is to discharge himself of all his gracious promises made to them; hoping that when you shall see how royally, graciously, and faithfully his majesty hath dealt with

you and all his subjects, you will likewise correspond in loyal and dutiful obedience, in cheerful but calm and peaceable proceeding, in all other business to be treated of in this assembly: and because there shall be no mistake, I shall now repeat the particulars, that you may see they are the same which were promised by his majesty's first proclamation.

145 To this I shall add the paper of his majesty's concessions taken from the original, wherein his majesty had interlined and dashed out some things with his own pen.

146 Charles R.

The king's majesty being informed that many of his good subjects have apprehended, that by the introduction of the Service-book and Book of Canons, the in-bringing of popery and superstition hath been intended, is graciously pleased to discharge the said books, and to annul all acts made for establishing thereof; and for his good people their further satisfaction, is graciously pleased to declare by me, that no other in that kind shall hereafter be introduced, but in a fair and legal way of assembly, allowed by act of parliament, and the laws of this kingdom.

The king's majesty, as he conceived for the ease and benefit of the subjects, established the high commission, that thereby justice might be administered, and the faults and errors of such persons as are made liable thereto taken order with, and punished with the more convenience, and less trouble to the people: but finding his gracious intentions to be herein mistaken, hath been pleased, like as he is graciously content, that the same be discharged, with all acts and deeds made for the establishing thereof; and is pleased to declare by me, that that court or judicatory, nor no other of that nature, shall be brought in hereafter, but in that way allowed by the laws of this kingdom.

And the king's majesty, being informed that the urging of the five articles of Perth's assembly hath bred distraction in the church and state, hath been graciously pleased to take the same into his consideration, and, for the quiet and peace of church and state, doth not only dispense with the practice of the said articles, but also discharges, and by these hath discharged, all and whatsoever persons from urging the practice thereof, upon either laic or ecclesiastic person whatsoever: and doth hereby free all his subjects from all censure and pain, whether ecclesiastical or secular, for not urging, practising, or obeying them, or any of them, notwithstanding any thing

contained in the acts of parliament or general assembly, to the contrary.

And because it is pretended, that oaths have been administered to ministers at their entry, contrary and differing from that which is set down in the acts of parliament, his majesty is pleased to declare 96
and ordain, that no other oath shall be required of any minister at his entry than that which is expressly set down in the acts of parliament: and this he is content be considered of in the assembly, to be represented to the estates of parliament, and enacted as they shall find expedient.

And that it may appear how careful his majesty is that no corruption or innovation shall creep into this church, neither any scandal, vice, or fault of any person whatsoever, censurable or punishable by the assembly, go unpunished, it is his majesty's pleasure, like as by these his majesty does assure all his good people, that hereafter general assemblies shall be kept as oft as the affairs of this kirk shall require: and to this purpose, because it is probable that some things necessary for the present estate and good of this church may be left unperfected at this present assembly, we do by these indict another assembly to be holden at And that none of our subjects may have cause of grievance against the procedure of prelates, our pleasure is, that all and every one of the present bishops and their successors shall be answerable, and accordingly from time to time censurable according to their merits by the assembly, which his majesty is likewise pleased be enacted in this present assembly, and thereafter ratified in parliament.

And to give all his majesty's good people good assurance that he never intended to admit any alteration or change in the true religion professed within this kingdom, and that they may be truly and fully satisfied of the reality of his intentions towards the maintenance of the truth and integrity of the same, his majesty hath been pleased to require and command all his good subjects to subscribe the confession of faith, subscribed by his dear father in anno 1580, and for that effect hath ordained the lords of his privy-council to take some speedy course whereby the same may be done through the whole kingdom; which his majesty requires likewise all those of this present assembly to sign, and all others his subjects, who have not done it already: and it is his majesty's will, that this be inserted and registered in the books of this assembly, as a testimony to posterity, not only of the sincerity of his intentions to the said true religion, but also of his resolution to maintain and defend the same, and his subjects in the professing thereof. C. R.

147 The marquis sent a gentleman to ask the advice of the bishops then in the castle of Glasgow about the particular way of his procedure in the assembly, from whom he had the following letter:

148 My Lord, may it please your Grace;

This worthy gentleman hath desired my judgment concerning three things: first, concerning the production of a letter from his majesty to the assembly, directed to the archbishops, bishops, and ministers, whether or not this can be produced, and any note made upon it, before there be a moderator condescended upon. My humble opinion is, (which I humbly submit to your grace's better judgment,) that the letter be presented, given by your grace to the clerk, and read by him. Here it is most like your grace will be pressed, that the letter is directed to an assembly, that cannot be without a moderator, and yet on purpose to get a moderator by election, and an assembly established; to which in my judgment it may be replied, that it may be that the king's letter containeth something to that purpose, which therefore is to be read, and noted by the clerk as produced only. The second is concerning the examination of the commissions and commissioners: my lord, it is certain that both are most illegal, and there is more than sufficient 97
ground from this one (if there were no more) to void this assembly and make it null. But how to begin at this I see not so well, for if the commissions and commissioners be rejected, then how shall the king's real and royal intentions be manifest to the subjects, which is most necessary, that the factious may not have advantage to possess good and loyal subjects, that his majesty is only deluding them for other ends. On the other part, if your grace approve the commissions and commissioners, how far king and church shall suffer, your grace is wiser to conceive than I am able to express. The third is concerning the declinator, when it shall be proposed or presented to your grace; my lords of Glasgow and Brechin are fully of that mind, that at the very first it is to be used before the assembly be established: their reasons seem very pregnant; first, because all declinators are used so; next, if the assembly be once established, how can it be declined, or your grace admit our declinator or protestation?

My lord, seeing two things are mainly to be looked to, the one, that his majesty's pious intentions be made known to this present meeting, the other, that the church suffer no prejudice; my humble opinion is, that first the king's letter (as I have said) be read, and marked *Produced;* next, immediately after, our declinator pro-

duced and presented to your grace, read in audience of all, instruments taken in the clerk-register's hands, and it marked by the clerk *Produced.* Then your grace may by your own wisdom conceive a brief speech, excusing yourself that you are not so well acquainted with the formalities and legalities of church-meetings; yet that seeing in such distractions and combustions all things cannot be done in that orderly way is requisite, and that your grace does know how that, with a most earnest and fatherly care, his majesty endeavours the binding up of this breach, and the restoring of church and state to quiet and peace, and that your grace for that duty you owe to your master, and love you have to your native country, will leave nothing undone that is in your power, and incumbent to a faithful servant and kind patriot, and therefore will adventure to choose rather to err in formal errors, than to leave so material and necessary a work at such an exigent of time; and so seeing there is no archbishop nor bishop present, your grace by connivance will permit them (for how your grace can allow it I see not) to choose a moderator, and will not fall upon that shelf or rock of examination of commissions or commissioners; being confident that if matters go on in a moderate way, what shall be agreed upon shall be liked by all, even those that are taken to be their party; and what is amiss in formality and legality, if no error be in the matter of the conclusions, may most easily and speedily be helped. After the moderator is condescended upon, the first thing your grace would urge is the registrating the king's letter in the books of the assembly, then the registrating of our declinator. After this your grace will be careful that nothing be proposed till what is in his majesty's Declaration be enacted, and if (this being done, they fall upon any extravagancy, your grace then may by advice of the council declare, that seeing they will not hold moderation, your grace and the council must examine their commissions and commissioners, (to which before you gave connivance,) and discuss the relevancy of our declinator.

This course keeped, in my poor judgment, will fully manifest to all his majesty's pious intentions, evidence your grace's sincere affection to religion and the kingdom, preserve our right, make them unexcusable, let the people see how unreasonable and immoderate they are, and give to your grace a fair way and ground to discontinue and discharge the meeting under pain of treason. This my 98
weak and poor opinion I have made bold to declare to your grace, not out of any confidence in myself, but necessitated because of that obedience I owe your grace, and true affection to the peace of

church and state, which with myself, and all my endeavours, I humbly prostrate to you, and submit to your grace's better judgment.

I humbly beg of your grace to let me know by this gentleman what shall be done with our declinator, and let him come and speak with my lords of Glasgow, Brechin, and me, that we may be acquainted by him of your grace's commands. God in his mercy bless you in this difficult work.

Castle of Glasgow, 22d Nov. 1638, *at seven o'clock in the morning.*

Your grace's most humble and bounden servant,

Jo. Rossen.

149 They were about two hundred and sixty commissioners; besides that from every presbytery there were also assessors, from some two, three, four, or more, who pretended to no vote, but only to give advice; so that in all they made a great number. Some commissioners there were who could neither read nor write, and yet these were to judge of heresy, and condemn Arminius's points. All depended on a few that were more learned and grave, who gave law to the rest. The marquis staved off the choosing of the moderator the first day, and desired them first to receive in the commissions, and examine their elections; but he soon foresaw he could not run a great way with them, and that they were resolved stoutly to disobey, and were beginning in their cabals to threaten to seize on his person, and on such of the council as should withstand them. But he resolved not to quit the grounds were laid down to him, follow on it what would; yet finding afterwards that there were surmises of designs upon his life, he judged himself bound to let his majesty know all he understood of the affairs of Scotland since his last coming from court. Therefore he sent up sir James Hamilton, with a full account of all matters, containing likewise the characters of all the councillors, together with his advice to his majesty, how to reduce the country to his obedience: those he commended most to the king, and of whose adherence he had received the fullest assurances, were, my lords of Traquair, Roxburgh, Perth, Tullibardin, Kinnoul, Seaforth, Lauderdale, Southesk, Hadingtown, and Daliel; but above all the marquis of Huntley, whose cordial affection to his majesty's service he highly magnified. His advice was, that Berwick and Carlisle should be secured, of which he put the king in mind almost in every letter; that his majesty was to send a fleet of

some of his ships to lie in the Frith, and to be plying from that to the north, to block up their trade; and also some others to ply from the Mull of Galloway to Kintire, marking to the king the roads and harbours whither they might retire. Next, his majesty was to come down with a royal army, and this he was assured would either teach them or force them to reason: but because upon a rupture they in Scotland would no doubt presently fall on those who adhered to his majesty, therefore he advised that there might be commissions of lieutenantries sent to the marquis of Huntley for the north, and to the earls of Traquair and Roxburgh for the south, that all might gather to them upon the breach. He also spared not 99
to shew the king how the bishops had miscarried, and that their ambition had been great, but their folly greater. His majesty expressed his sense of this despatch in the following letter:

150 HAMILTON,

I have sent back this honest bearer both for safety of my letters, and to ease me from length of writing; therefore in a word I thank you for your full and clear despatch, totally agreeing with you in every point thereof, as well in the characters of men as in the way you have set down to reduce them to obedience: only the time when to begin to act is considerable: to this end I have fully instructed this bearer with the state of my preparations, that you may govern your business accordingly. Only I must tell you that you have given me so good satisfaction, that I mean not to put any other in the chief trust in these affairs but yourself. So remitting you to this bearer, I rest

Your assured constant friend,

Whitehall,
3 Decemb. 1638. CHARLES R.

151 At Glasgow, on the second day of the assembly's sitting, they went to the election of the moderator; but the marquis desired that they might first hear his majesty's letter, which thereupon was read. After that, he moved that they would read the bishops' declinator, which was presented to him by Dr. Hamilton; but that they refused, saying, they must first be constituted before they could consider of any business. Upon this he protested, which with all the other instruments that he took, is yet extant under the clerk of registers hands. Mr. Henderson was chosen moderator. Then the marquis desired that his assessors, who were only six, to wit, the earls

of Argyle, Traquair, Roxburgh, Lauderdale, and Southesk, and sir Lewis Stewart, might also have a suffrage; but this was refused, and so they would give the king but one single vote, though the town of Edinburgh had two in their assembly. Upon this also the marquis took instruments according to the Scottish forms: and thus for a few days he went on in the assembly, protesting at every step; but as he was consulting what to do, he received the following letter:

152 HAMILTON,

Concerning our preparations here, I have commanded the comptroller to give you a full account, of which you may take public notice, and declare, that as their carriage hath forced me to take care to arm myself against any insolence that may be committed; so you may give assurance that my care of peace is such, that all those preparations shall be useless, except they first break out with insolent actions. Now for answer to your letter, it was never heard that 100
one should be both judge and party: besides, the lawfulness of the judicatory must be condescended upon before any cause can be therein lawfully determined; therefore I say that the assembly can in no case be judge of their own nullities: yet you have reason not only to make good what I have promised, but also to promise them a new assembly upon the amendment of all the faults and nullities of this. I approve of both your bargains, and shall take care that you shall not lose by them, and so I rest

Whitehall, Your assured constant friend,
17 *Nov.* 1638. CHARLES R.

And two days after that, he got the following letter:

153 HAMILTON,

This is rather to shew you that I do not forget you nor your pains, than for any answer that your last letter needs, it being more of accounts than demands. Only I shall tell you, that you needed not to have made an excuse for asking the ten thousand pounds sterling; for I know that there is but too much use for it, and the more I consider it, I find you have the more reason: therefore I assure you, that what may be done shall be done in this, and with what speed is possible; and so I rest

Whitehall, Your assured constant friend,
21 *Nov.* 1638. CHARLES R.

154 His majesty was also pleased to take such notice of Dr. Balcanqual as to write the following letter about him:

HAMILTON,

I have heard this day that the dean of Durham is dead, for the

disposing of which place, though I may have many suitors, and (which is more) though heretofore I have had divers intentions upon the disposing of that place, for the better accommodating of my service, the reason of which is now as forcible as ever; yet I have thought fit not to dispose of it till I might (if your stay be not longer than I expect) speak with you: and to shew you that I am not unmindful of the daily pains that at this time Balcanqual takes in my service, I would let you see the case before I dispose of it, and have your 101
opinion, if he might not stay a little longer for another nearer my eye, and yet not dishearten him, when it may accommodate my service another way; and so I rest

Your assured constant friend,

CHARLES R.

155 The assembly went on at such a rate that the marquis judged it no longer fit to bear with their courses; for all elections, how disorderly soever, were judged good; their ears were shut upon reason, and the bishops' declinator being read was rejected, and an answer drawn: wherefore on the 28th in the morning he called a council in the chapter-house, and told them he was necessitated to dissolve the assembly, and gave his reasons for doing it, using much industry to gain them to concur with him in it. The earl of Argyle asked if he was to desire the council's approbation of what he intended, or not: the marquis answered, his instructions from his majesty were clear and positive for what he was to do, and therefore it was not in his power to let any debate be whether he should do it or not; only he desired their concurrence and advice as to the manner of doing it. Two hours were spent in discourse, but clear advices were not given from any of them: from thence the marquis went to the church where the assembly sat, and after he sat long a witness to some debates were among them, it was offered to be put to the vote, whether the assembly was a free assembly notwithstanding the bishops' declinator, or not; upon which the marquis knowing well how the vote would run, rose up and said:

156 I find this day great contrarieties of humours in myself; first, cause of joy; next, cause of sorrow: cause of joy, in making good what hath been promised by his majesty; cause of sorrow, in that I cannot make further known his majesty's pious intentions.

You have called for a free general assembly; his majesty hath granted you one, most free on his part and in his intentions; but as

you have handled and marred the matter, let God and the world judge, whether the least shadow or footstep of freedom can be discerned in this assembly by any man who hath not given a bill of divorce both to his understanding and conscience. With what wresting and wringing your last protestation charges his majesty's last gracious proclamation in the point of prelimitations is both known and misliked by many even of your own pretended covenant; but whether your courses, especially in the elections of the members of this assembly, be not only prelimitations of it, but strong bars against the freedom of it, nay utterly destructive both of the name and nature of a free assembly, and unavoidably inducing upon it many and main nullities, will be made manifest to the whole world.

But his majesty's sincere intentions being to perform in a lawful assembly all he hath promised in his gracious proclamation, if you find out a way how these things may pass, and be performed even in this assembly, such as it is, and yet his majesty not made to approve 102
any way the illegalities and nullities of it, for satisfying all his majesty's good subjects of the reality of his meaning; I am by his majesty's special command ready to do it, and content to advise with you how it may be done.

157 And after this he caused read his majesty's concessions, as they had been before proclaimed: upon which he took instruments, that by producing and signing of them, first, his majesty's intentions were made known; next, that in the producing and delivering of them, the lawfulness of the assembly was not acknowledged. After that, he went on and discoursed against the constitution of the assembly in the following words:

158 But now I am sorry I can go on with you no more, for the sad part is yet behind, about ruling-elders; for neither ruling-elders nor any minister chosen commissioner by ruling-elders can have voice here, because no such election is warranted, either by the laws of this church or kingdom, or by the practice or custom of either: for even that little which appeareth to make for those elders in the book of discipline hath at this time been broken by you, there being more lay-elders giving votes at every one of those elections than there were ministers, contrary to the book of discipline; as in Lanerick but eight ministers, and eighteen or nineteen lay-elders; and so in divers other presbyteries: and in every presbytery, when the ministers upon the list were removed, the remaining elders exceeded far the remaining ministers. But say there were law for those lay-elders, the interruption of the execution of that law for above forty years

makes so strong a prescription against it, that without a new reviving of that law, by some new order from the general assembly, it ought not again be put in practice; for if his majesty should put in practice and take the penalties of any disused laws without new intimations of them from authority, it would be thought by yourselves very hard dealing.

To say nothing of that office of lay-elders, it being unknown to the scripture or church of Christ for above one thousand five hundred years, let the world judge whether those laymen be fit to give votes in inflicting the censures of the church, especially that great and highest censure of excommunication, none having power to cast out of the church by that censure but those who have power to admit into the church by baptism: and whether all the lay-elders here present at this assembly be fit to judge of the high and deep mysteries of predestination, of the universality of redemption, of the sufficiency of grace given or not given to all men, of the resistibility of grace, of total and final perseverance or apostasy of the saints, of the antelapsarian or postlapsarian opinion, of election and reprobation; all which they mean to ventilate, if they do determine against the Arminian, as they give out they will.

In many presbyteries these lay-elders disagreed in their elections wholly, or for the most part, from the ministers, and carried it from them by number of votes, though in all reason the ministers themselves should best know the abilities and fitness of their brethren: and this was done in the presbyteries of Chirnside, Linlithgow, 103
Aberdeen, and divers more.

How can these men now elected be thought fit to be ruling-elders who were never elders before, all or most part of them being chosen since the indiction of the assembly, some of them but the very day before the election of their commissioners; which demonstrates plainly that they were chosen only to serve their associates' turn at this assembly?

Since the institution of lay-elders by your own principles is to watch over the manners of the people in the parish in which they live, how can any man be chosen a ruling-elder from a presbytery who is not an inhabitant within any parish of that presbytery, as hath been done in divers elections, against all law, sense, or reason.

By what law or practice was it ever heard, that young noblemen, or gentlemen, or others, should be chosen rulers of the church, being yet minors, and in all construction of law thought unfit to manage their own private estates, unless you will grant that men of meaner abilities may be thought fit to rule the church, which is

the house of God, than are fit to rule their own private houses, families, and fortunes?

By what law can any ruling-elder be sent to a presbytery to give vote in any thing, especially in choosing commissioners for the general assembly, who is not chosen for that purpose by the session of that parish in which he is a ruling-elder? And who gave power to the minister of every parish to bring with him to the presbytery for that purpose any ruling-elder of his parish whom he pleased?

But it is well known that divers elders gave votes in these presbyteries to the elections of some commissioners here, who were not chosen by the sessions of their several parishes to give votes in those presbyteries; and therefore such commissioners as were chosen by such lay-elders can have no vote here.

By what law or practice have the several parishes or presbyteries chosen assessors to their ruling-elders, without whose consent some of the commissioners here present are sworn not to vote to any thing?

This introducing of ruling-elders is a burden so grievous to the brethren of the ministry, that many of the presbyteries have protested against it for the time to come, some for the present, as shall appear by divers protestations and supplications ready to be here exhibited.

For the ministers chosen commissioners hither, besides that the fittest are passed by, and some chosen who were never commissioners of any assembly before, that so they might not stand for their own liberty in an assembly of the nature whereof they are utterly ignorant, choice hath been also made of some who are under the censure of the church, of some who are deprived by the church, of some who have been banished and put out of the university of Glasgow for teaching their scholars that monarchies were unlawful, some banished out of this kingdom for their seditious sermons and behaviour, and some for the like offences banished out of another of his majesty's kingdoms, Ireland, some lying under the fearful sentence of excommunication, some having no ordination nor imposition 104
of hands, some admitted to the ministry contrary to the standing laws of this church and kingdom, all of them chosen by lay-elders; what a scandal were it to the reformed churches to allow this to be a lawful assembly, consisting of such members, and so unlawfully chosen?

Of this assembly divers who are chosen are at *the horn*, [that is, under a writ of outlawry,] and so by the laws of this kingdom are uncapable of sitting as judges in any judicatory.

Three oaths are to be administered to every member of this assembly, the oath for the confession of faith, lately renewed by his majesty's commandment, the oaths of allegiance and supremacy; and whosoever shall refuse any of these cannot be a judge in any judicatory of this kingdom: and therefore resolve presently whether you will take them or not.

You have cited the reverend prelates of this land to appear before you by a way unheard of, not only in this kingdom, but in the whole Christian world, their citations being read in the pulpits, which is not usual in this church; nay, and many of them were read in the pulpits after they had been delivered into the bishops' own hands. How can his majesty deny unto them, being his subjects, the benefit of his laws, in declining all those to be their judges who by their covenant do hold the principal thing in question, to wit, episcopacy, to be abjured, as many of you do? or any of you to be their judges who do adhere to your last protestation, wherein you declare that it is an office not known to this kingdom, although at this present it stand established both by acts of parliaments and acts of general assemblies? Who ever heard of such judges as have sworn themselves parties? And if it shall be objected, that the orthodox bishops in the first four and other general councils could not be denied to be competent judges of the heretics, though beforehand they had declared their judgments against their heresies: it is easily answered, that in matters of heresy no man must be patient, since in fundamental points of faith a man cannot be indifferent without the hazard of his salvation, and therefore must declare himself to be on Christ's side, or else he is against him; but in matters of church-government and policy, which by the judgment of this church in the 21st article of our confession is alterable at the will of the church, it is not necessary for any man who means to be a judge to declare himself, especially against that government which stands established by law at the time of his declaration, being not only not necessary, but likewise not lawful for him at that time so to do: now this declaration all you who adhere to the last protestation have made, even since you meaned to be the bishops' judges. Besides, even those orthodox fathers never did declare themselves against the heretics, their persons or callings, by oaths and protestations, as you have done; for that had been a prejudging in them, and this prejudging in you makes you now to be incompetent judges.

Upon the whole matter then there are but two things left for me to say: first, you yourselves have so proceeded in the business of this assembly, that it is impossible the fruits so much wished and

prayed for can be obtained in it; because, standing as it does, it will make this church ridiculous to all the adversaries of our religion; it will grieve and wound all our neighbour reformed churches who 105
hear of it; it will make his majesty's justice to be traduced throughout the whole Christian world, if he should suffer his subjects, in that which concerns their callings, their reputations, and their fortunes, to be judged by their sworn enemies. If therefore you will dissolve yourselves, and amend all these errors in a new election, I will with all convenient speed address myself to his majesty, and use the utmost of my intercession with his sacred majesty for the indiction of a new assembly, before the meeting whereof all these things now challenged may be amended: if you shall refuse this offer, his majesty will then declare to the whole world that you are disturbers of the peace of this church and state, both by introducing of lay-elders against the laws and practices of this church and kingdom, and by going about to abolish episcopal government, which at this present stands established by both the said laws: two points (I dare say) and you must swear it, if your consciences be appealed to, (as was well observed by that reverend gentleman we heard preach the last Sunday,) which these you drew into your covenant were never made acquainted with at their entering into it; much less could they suspect that these two should be made the issue of this business, and the two stumblingblocks to make them fall off from their natural obedience to their sovereign.

159 Mr. Henderson made a long speech, wherein he said much to the magnifying of the king's authority in matters ecclesiastical, calling him *the universal bishop of the churches in his dominions*, with other such like expressions, which gave no small disgust to many of the zealous brethren: but in the end he said, that we must render to God the things that were God's, as well as to Cæsar the things which were Cæsar's; and spoke much for vindicating their proceedings, and charging the bishops. And after him many of the lords spoke about the freedom of the assembly; to whom the marquis replied:

160 As for your pretence of your unlimited freedom, you indeed refused so much as to hear from his majesty's commissioner of any precedent treaty for the preparing and right-ordering of things before the assembly; alleging, that it could not be a free assembly where there was any prelimitation either of the choosers or of those

to be chosen, or of things to be treated of in the assembly, but that all things must be discussed upon the place, else the assembly could not be free: but whether you yourselves have not violated that which you call freedom, let any man judge; for besides these instructions, which it may be are not come to our knowldege, we have seen, and offer now to produce, four several papers of instructions sent from them whom you call *the tables*, containing all of them prelimitations, and such as are not only repugnant to that which you call the freedom, but to that which is indeed the freedom of an assembly. Two of these papers were such as you were contented should be communicated to all your associates, to wit, that larger paper sent abroad to all presbyteries, immediately after his majesty's indiction of the assembly, and that lesser paper for your meeting first at Edinburgh, then at Glasgow, some days before the assembly; 106
which paper gave order for choosing of assessors, and divers other particulars: but your other two papers of secret instructions were directed, one of them only to one minister of every presbytery, to be communicated by him as he should see cause, but to be quite concealed from the rest of the ministers; the other paper was directed only to one lay-elder of every presbytery, and to be communicated by him as he should see cause, but to be quite concealed from all others: in both which papers are contained such directions, which being followed, as they were, have quite banished all freedom from this assembly; as shall appear by reading the papers themselves.

161 These he caused read, but they were disowned by the members of the assembly; and they said, they might have been the private opinions of some, but did infer no prelimitation on the assembly: to which the marquis answered, that all the elections being ordered according to these, was a clear proof they were sent by an authority which all feared to disobey. And after that he told, that for many months the orders of *the table* had been obeyed by all; but he would now make a trial what obedience they would give to the king's command: and protested, that one of the chief reasons that moved him to dissolve this assembly, was, to deliver the ministers from the tyranny of lay-elders, who, if not suppressed, would (as they were now designing the ruin of episcopal power) prove not only ruling, but overruling-elders.

162 By this time his heart was so full of grief, (which was easily

to be observed by divers indications,) that almost all present were affected with it. In end, seeing nothing said in reason did prevail, he in his majesty's name dissolved the assembly, and discharged their further proceeding under pain of treason. Mr. Henderson and the earl of Rothes answered him, that they were sorry he left them; but their consciences bore them witness they had hitherto done nothing amiss, so they could not desert the work of God; protesting much of their duty and obedience to the king in its due line and subordination: and after this a long protestation was begun and read.

163 This being done, the marquis presently went out and called a new council, to whom he told how sorry his majesty would be for this breach, and how really desirous he was to have done all was possible for satisfying of his subjects, but that their behaviour had extorted what was done; he therefore encouraged them all to their duty to the king, assuring them, that whatever any of them might suffer for it, his majesty would see they should be no losers. From this council the earl of Argyle withdrew, and fully cleared all jealousies about him; for he told the marquis, in plain language, he would take the covenant and own the assembly. But most of the councillors seem satisfied with the marquis's carriage in the assembly, particularly all his assessors, (Argyle only excepted;) yet the marquis durst not offer the proclamation for dissolving the assembly to be signed in council for fear of a refusal, not having tried them all in it beforehand; but got most of them to sign it next morning; and then he sent it to the market-cross to be proclaimed, where it met with a new protestation. Argyle's example was followed by some few privy-councillors, 107
whose declaring themselves the marquis judged rather an advantage than a loss.

164 The council also wrote a letter to the king, highly commending the marquis's zeal and industry in what had passed in the assembly, which is in the large Declaration, to which the reader is referred for the perusal of all the papers set down there at length; these being only inserted here that were not then made public.

165 Thus he left Glasgow and went first to Hamilton, carrying some of the bishops with him for their security from hazard; and after two or three days' stay there went to Edinburgh,

(hoping, that as he had outlived their threats, he should ere long see his majesty master their insolence) : and from thence he gave his majesty an account of what had passed since his last, together with a desire for a permission to come and wait on him. To which the king wrote the following answer :

166 HAMILTON,

I never expected other than that you would have too just grounds to dissolve this assembly ; and certainly I were very unjust if I did not approve you therein, since not only your instructions warrant you the same, but even the council hath testified to me the necessity of it. And now I shall lay before you some considerations. In the first place, to take care that your coming away do not cast things so loose, that the honest men of my party do believe that you leave them as in a case desperate, or at least that by your absence they be denuded of advice and protection : therefore I hope, before you come up, you will take so good order, that your absence do neither dishearten nor prejudice my party. As for my preparations, I doubt not but ere this you have had a full account by your cousin sir James, whereby you find that I shall not be able to shew myself like myself before February or March ; wherefore I lay it to your consideration, whether it were not fit to give hopes that the parliament shall hold, (notwithstanding all the impertinences of this last assembly,) so that their follies break not out into open acts of rebellious violences : and really I will not say, but (that things may be so prepared) it may be fitting that it should hold. To conclude, I hope you do not conceive that the date of your commissionership is out ; wherefore I expect that (if you find cause) you send out commissions of lieutenantries to Huntley for the north, and to Traquair or Roxburgh, either jointly or severally, (as you shall find most fit,) for the south ; yet all as subaltern to you. This, I confess, is not to be done but upon great necessity, of which I leave you (as upon the place) to be judge, (being abundantly satisfied of your zeal and dexterity to serve 108
me) as I do of all that I have now written : and so I rest

Your assured constant friend,

Whitehall,
7 Dec. 16,8. CHARLES R.

167 To this shall be added two letters written by the archbishop of Canterbury to the marquis on the same subject :

MY VERY GOOD LORD,

I received your lordship's letters of November 27th, they came safe to me on December 2nd after eight at night. I was glad to see them short ; but their shortness is abundantly supplied by the length

of two letters, one from the lord Ross, and the other from the dean. They have between them made their word good to your lordship, for they have sent me all the passages from the beginning of the assembly to the time of the date of their letters: and this I will be bold to say, never were there more gross absurdities, nor half so many, in so short a time, committed in any public meeting; and for a national assembly never did the church of Christ see the like.

Besides his majesty's service in general, that church is much beholding to you, and so are the bishops in their persons and callings: and heartily sorry I am that the people are so beyond your expression furious, that you think it fit to send the two bishops from Glasgow to Hamilton; and much more, that you should doubt your own safety. My lord, God bless your grace with life and health to see this business at a good end, for certainly, as I see the face of things now, there will very much depend upon it, and more than I think fit to express in letters; nay, perhaps, more than I can well express if I would.

I am as sorry as your grace can be that the king's preparations can make no more haste. I hope you think (for truth it is) I have called upon his majesty, and by his command upon some others, to hasten all that may be, and more than this I cannot do; but I am glad to read in your letters that you have written at length to his majesty, that you may receive from himself a punctual answer to all necessary particulars: and I am presently going to him to persuade him to write largely to you, that you may not be in the dark for any thing.

But (my lord) to meet with it again in your letters that you cannot tell whether this may be your last letter, and that therefore you have disclosed the very thoughts of your heart, doth mightily trouble me: but I trust in God he will preserve you, and by your great patience, wisdom, and industry set his majesty's affairs (to your great honour) in a right posture once again; which if I might live to see, I would be glad to sing my *Nunc dimittis*.

I pray (my lord) accept my thanks for the poor clergy there, and particularly for the bishop of Ross, who protests himself most infinitely obliged to you.

I heartily pray your lordship to thank both the bishop of Ross and the dean for their kind letters, and the full account they have given me; but there is no particular that requires an answer in either of them, saving that I find in the dean's letter that Mr. Alex. Henderson, who went all this while for a quiet and calm-spirited man, hath shewed himself a most violent and passionate man, and a mo- 109
derator without moderation. Truly (my lord) never did I see any

man of that humour yet, but he was deep dyed in some violence or other, and it would have been a wonder to me if Henderson had held free. Good my lord, since you are good in the active part, in the commixture of wisdom and patience, hold it out till the people may see the violence and injustice of them that would be their leaders, and suffer not a rupture till there be no remedy. God bless you in all your ways, which is the daily prayer of

Lambeth,
3 Decemb. 1638.

Your lordship's most faithful friend
and humble servant,
W. Cant.

168 My very good Lord,

I received your letters of the 2nd of December upon the 6th of the same at night, and could not speak with his majesty till this day. This day I did, and shewed him your letters and the dean's; and I read to him more than the latter half of all the long discourse which the dean wrote unto me; for his majesty was very desirous to know what occasion you took to dissolve the synod, and how you prosecuted it; in both which that paper gave him great satisfaction.

With your letters I have received three other papers, that which shews you have keeped within your instructions, the copy of the proclamation which dissolves the assembly, and a copy of the council's letter to the king; both which his majesty takes to be very good service done for him, and commands me to give your grace thanks in his name, which I am very glad to do, and I do it heartily.

For the earl of Argyle I can say no more than I have already, though now I know him more perfectly than I did. Your resolution was to put him from the council-table if he refused the king's covenant; he hath now deserved it more, but whether it be a fit time as yet to proceed so far, I dare not determine here. This I am sure of, if he do now publicly adhere to the covenant and the assembly, nay, be the professed head of the covenant, (as the dean calls him,) yet he will have much ado to look right upon that who ever looked asquint upon the king's business.

Concerning your coming up to court, I am glad I find his majesty in that opinion which I cannot choose but be of, that is, to leave it to yourself, and your own judgment upon the place, whether it be fitter for you to come or stay: for the truth is, my lord, in my poor judgment, the king must needs leave this to yourself, or discern himself; for if he bids you come, you will not stay; and if he would have you stay, you will not come: but whether it be fittest to come or stay cannot be prudently judged here; therefore (my lord) do that which shall be best approved there for his majesty's service. And as much

as I desire to see you, I will be bold to add this, that I hope you will not stir to come thence till you have so settled the country, or at least the king's party there, as that you may be sure they may be safe, till further course for security may be taken: for I do not know how much it may dishearten them if your grace come away from them too soon.

In tender care of his majesty's both safety and honour, I have done and do daily call upon him for his preparations. He protests he makes all the haste he can, and I believe him; but the jealousies of giving the covenanters umbrage too soon have made preparations here so late. I do all I can here with trouble and sorrow enough.

Here is news that three shipsfull more of arms are come to Leith from Poland: whence have they money to buy all this? If this be true, the king of Poland hath watched a shrewd opportunity to quit the king for the late neglect of his ambassador. And that which troubles me not a little is, that the king's party there (I doubt) is not half so well provided of arms as the covenanters are.

For the money you mention, I wish with all my heart you had received it, for at the rising of the assembly most miserable will be the condition of them who have faithfully served God and the king. I have now again put it to the king, and he sees enough, but cannot well tell how to help it; yet this he said, If he could possibly scrape so much together, it should be had.

I pray be pleased to thank the dean for his great pains, though it cost me the sitting up some part of the night to read it. His letter, beside that discourse, contains but two things; the necessity of a present show of force against the rising of the assembly, before men be urged to new confederacies and subscriptions to all things determined in this assembly: the other, that some care may be had for the poor ministers, who will be put to the greatest sufferings, and all for God and the king. And to these two I have said as much as I can, and shall daily labour with the king to do all that may be done for them. I pray God bless your lordship, but I am infinitely sorry so much grace and goodness of the king's should be no better received. To God's blessed protection I leave you and all your endeavours, and shall ever shew myself

Whitehall, Decemb. 7, 1638.

Your grace's most faithful friend and humble servant,

W. Cant.

169 The assembly all this while were not idle, but went on at a great rate now that there was none to curb them. They condemned all the assemblies had been for forty years before, as

prelimited and not free; they declared episcopacy unlawful, and contrary to the laws of their church: the same was the fate of the Service-book, Book of Canons, high commission, and the articles of Perth. They appointed the covenant to be taken by all under pain of excommunication, with their new gloss against episcopacy and the ceremonies: and then they proceeded to the processes of bishops notwithstanding their declinator, which was sure not to be sustained by them; for they, being both judges and parties, would not fail to carry the matter as they desired.

170 The marquis at his coming to Edinburgh on the 17th of December emitted a large proclamation, containing the reasons of his dissolving the assembly, and declared those who continued to sit in that pretended assembly traitors. He added his majesty's pious intentions to preserve the religion established; discharging all his subjects to acknowledge or obey the acts of that pretended assembly, with an assured promise of protection to all such as continued in their obedience to his majesty's service. This he sent every where to be proclaimed through Scotland, and wrote to all he heard of that were affectionate to his majesty's service, encouraging them to continue in their duty, assuring them of the king's 111
favour and goodness. But now were all people's minds set on flame, every one expecting what should be the issue of this disorderly affair.

171 He begun again to talk with the covenanters, according to the king's order for a continuance of treating; but they received it with so much neglect, that he was scarce able to bear it: and finding they did encourage themselves with the king's clemency, he resolved to prostitute the offers of it no more. He found the castle of Edinburgh in some better posture at his return thither than he had left it when he went to the west; forty good men were stolen into it with some muskets and cases of pistols, and abundance of ammunition, and provision for five weeks. This was carried with great cunning, for the castle had been watched all the while: but when the covenanters understood what was carried in, they were enraged, and beset the castle so closely with their guards, that it was as good as besieged.

172 The assembly of Glasgow, after they had deposed all the

bishops, and excommunicated eight of them, wherein it was easy to proceed against absents, at length they closed with a letter to the king, (to be found in the printed acts of that assembly); and in it they justified their procedure, complained of the usage they met with from his commissioner; and prayed his majesty to look upon them as good and dutiful subjects, and be satisfied with what they had done.

173 The marquis's journey was delayed, through an indisposition of body, some days longer than he intended; and indeed (all things being considered) it was a wonder how either body or mind could hold out so long. His negotiation was both painful and unprosperous: most of the day he was obliged to spend with unmanagable and unruly spirits, and much of the night in writing letters; for every third or fourth day he gave the king a large account of what passed, which was sometimes of the length of two sheets of all sides in close writing. This was always seconded by another to my lord of Canterbury of the same, and often a greater length. Besides that, about other matters of course he wrote as often to the earl of Stirling, and almost as often to sir Henry Vane. And this was besides all his letters up and down Scotland, most of which, particularly those to my lord Huntley, (which were at least weekly,) were all with his own hand. And the most uneasy part of all was, that he was obliged to keep himself in a reserve almost with every body, there being very few about him whom he durst entirely trust: and certain it is, had not his mind been of a great and undaunted stayedness and calmness, the shocks he met with had dashed him to pieces.

174 But having recovered his health, and put things in the best order could be expected in the midst of so great disorders, he took journey to London on the 28th of December, having committed the chief care of business to the earl of Traquair; in whose hands he left some of the blanks under the king's hand which he had by him, to be filled up as Traquair should be answerable; with a particular order, that if the lords of the covenant pressed the lords of the session to do any thing that might infer an acknowledgment of the assembly of Glasgow, and if he saw any grounds to fear their yielding, then he should fill up one of the blanks with a proclamation to the session to rise. Thus ended this ominous year.

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The marquis's thoughts did bear him sad company during his journey; the least painful of them was, that he knew he had many enemies, who would impute the present disorders to his mismanagement, if not to his unfaithfulness; but those he quieted with his confidence in his majesty's justice and his own integrity. And indeed any personal hazard could meet him must have had small footing in a mind prepossessed with other thoughts. That which tormented him most (as appears by his letters) was, that he saw inevitable ruin hanging either over his master or his country, if not over both; since the ruin of either would prove fatal to both. To advise his majesty to treat any further, before he were in a posture to command as well as to treat, was so dishonourable that he could not think of it. He saw a kingly way must be taken, but he knew well his majesty's affairs were not in a very good posture. England had enjoyed a long quiet, and so both their warlike spirits and preparations were much rusted: there was store of factious spirits among them, who would give artless assistance to his majesty in his designs; and those who would be most forward, he knew were ready to drive his majesty's resentments too far. He saw little hope of any party to be made for the king in Scotland, except from the marquis of Huntley. He knew the covenanters would proceed as men desperate; and less heartiness could be expected from his majesty's hired soldiers, than from such as had no hope but in their hands and actions. In a word, all things looked so cloudy to his discerning mind, that it proved a melancholy journey to him.

176 On the 5th of January he came to Whitehall, where he gave the king a true and ample relation of all particulars. His majesty was fully satisfied with his carriage in every step of it, approving all he had done; but was so highly irritated at the covenanters, that he resolved neither to think nor talk of treating, till he should appear in a more formidable posture; judging it would render his person and government contemptible, not only to all abroad, but to his other subjects, and teach them to kick off his authority, if after all the affronts had been put upon his laws and condescensions he should be so tame as still to treat; and therefore was re-

solved not to receive the letter he knew was coming from the assembly to him, backed with a petition from the lords. But the marquis desired he would delay any such more apparent breach till he were ready to appear in the field, which was impossible before March. All his majesty's thoughts were now bent upon the way of reducing Scotland to due obedience, in which the marquis offered him his humble and hearty concurrence: for though his affection to his country and friends did struggle strongly against his engaging further, yet it yielded to his duty; but not so entirely, as to clear his spirit of sad regrets. And in this he was not only rivalled, but far outstripped by his sovereign, whose sorrow keeping pace with his affection and interest, made this expedition prove as sad as it was just.

177 The design was thus laid down: his majesty was to raise 113
an army of thirty thousand horse and foot, and to lead them in person towards Scotland: he was to write to all the nobility of England, to wait upon him to the campaign with their attendants, who should be maintained by his majesty's pay: he was to put good garrisons in Berwick and Carlisle, two thousand in the former, and five hundred in the latter: he was at the same time to send a fleet to ply from the Frith northward for stopping of trade, and making a great diversion for guarding the coast: he was also to send an army of five thousand men under the marquis's command to land in the north, and join with Huntley's forces: all which should be under his command, he retaining still the character of commissioner, with the addition of general of the forces in Scotland. And with these he was, first, to make the north sure, and then to move southward, which might both make another great diversion, and encourage such as wished well to his majesty's service, who were the greater number in those parts. Next, the earl of Antrim was to land in Argyleshire, upon his pretensions to Kyntire, and the old feuds betwixt the Macdonalds and Campbels; and he promised to bring with him ten or twelve thousand men. And last of all, the earl of Strafford was to draw together such forces as could be levied and spared out of Ireland, and come with another fleet into Dumbriton-frith; and for his encouragement the marquis desired him to touch at Arran, (that being

the only place of his interest which he could offer unto his majesty,) and he would be sure of all his men there (*such naked rogues as they were*, is his own phrase). Besides, there were store of cows in that island for the provision of the fleet, which he appointed should not be spared.

178 Thus was the design laid down for curbing the Scottish insolences: yet his majesty firmly resolved, that whenever they returned to their obedience he should not be inexorable. The first thing for prosecuting this design was the looking for officers and money: for the former, England was pretty scant; yet the best were sought out. On the second of February the king named the earl of Arundel to be general, the earl of Essex to be lieutenant-general of the foot, and the earl of Holland to command the horse. Letters were also sent through the counties for levying of men, and advertisements given to the nobility to meet the king at York against the first of April. Antrim undertook bravely, and Strafford said he should do what was possible with all expedition. The fleet was appointed presently to be rigged out; and orders issued out for levying five thousand soldiers, under the command of the three gallant colonels, Morton, Byron, and Harecoat, who should go with the fleet without knowing whither they went. A commission for the lieutenantry of the north of Scotland was sent to the marquis of Huntley; but he was ordered to keep it up as long as was possible, and carefully to observe two things: one was, not to be the first aggressor, except he were highly provoked, or his majesty's authority signally affronted: the other was, that he should keep off with long weapons, till his majesty were on the borders; lest if he should begin sooner, the covenanters might overwhelm him with their whole force, and either ruin him, or force him to lay down his arms. As for the marquis's employment, he told his majesty, that though he was so far from declining his service at such a time, that he should be infinitely troubled if 114
he were not employed: yet he desired the king might choose a fitter person for the naval forces, since he was altogether unacquainted with sea affairs, and not fit for such an important service. But his majesty looking upon this as an effect of his modesty, gave no hearing to it; telling him, that as for affairs purely naval, sir John Pennington the vice-

admiral should go with him, and would abundantly supply his defects in that.

179 But the getting of money was the hardest part of all, for two hundred thousand pound sterling was all the money the king could make account of. The treasury was much exhausted; and an unlucky accident fell in at that time, which put the king to much extraordinary expense, the queen-mother of France coming over to England: yet the king found himself able to do well enough for the summer following, but his purse could not weather out another year.

180 Thus did the king frame and prosecute his design, with the secret whereof very few were trusted; it being communicated to none without reserve save to Canterbury, Arundel, sir Henry Vane, and by letters to Strafford, but above all to the marquis.

181 But here this narration must be stopped, that we may take a view of Scotland, and of the power and practices of the covenanters. In the beginning of January there was a full meeting of them at Edinburgh, where they first resolved to send a gentleman to the king, with the assembly's letter, and a petition from themselves, full of submission to the king, invectives against the marquis, and justifications of their procedure in all things, particularly in the late assembly: which they doubted not they should make appear in the ensuing parliament, of the holding whereof they seemed to make no question. With this the earl of Argyle wrote a general vindication of his own behaviour: and these letters were sent to court by Mr. Winram. His majesty received their petition, but resolved to give it such an answer in due time as their behaviour deserved: but he wrote back to Argyle, that he should be willing to receive from his own mouth a vindication of his late behaviour, though it seemed scarce capable of any. The covenanters their next, and indeed chief care, was, to fortify themselves against what they knew in reason they might quickly expect. Orders were therefore given through all the shires of Scotland that a committee of war should sit in every shire, soldiers be listed and trained, and a commissioner sent from every county, to lie at Edinburgh for receiving and transmitting of orders. Great care was also taken to provide the country with arms and ammunition, merchants

were sent every where to buy up all were to be had, and in a short time there were arms for above thirty thousand men brought to Scotland; and particular orders were given that none should be sold but to such as were well affected to the cause. Strong and strict guards were set about the castle of Edinburgh, so that it being but hitherto ill furnished, little was to be expected from it; wherefore Ruthwen would not shut himself up within it, but went to offer his service to his majesty, where he might be more useful. They were also careful to fortify Leith, apprehending hazard from the king's fleet; and about fifteen hundred of all sexes, yea and all qualities, for encouraging of others, wrought about it till the fortifications were completed.

182 But of all men the ministers were the busiest: the pulpits 115
did ring with the ruin of religion and liberties; and that all might look for popery and bondage, if they did not now quit themselves like men. Curses were thundered out against those *who went not out to help the Angel of the Lord against the mighty*, (so oddly was the scripture applied); and to set off this the better, all was carried on with many fasts and prayers: and they forgot not to pretend much duty and affection to the king; but the bishops and his other ill councillors (as they called them) got the blame of all, and none more than the marquis. By these means it was that the poor and well-meaning people were animated into great extremities of zeal, resolving to hazard all in pursuance of the cause: for they were told that the design was to reduce Scotland to a province under the power of the English, whose oppression they must resolve to bear if they stood not now to their own defence. Upon this it was that the committees for war, which were held in the several shires about the beginning of February, found small resistance, and no difficulty of levying men; greater numbers being offered than could be either armed or maintained.

183 At Edinburgh the session met with great trouble from the covenanters; for the greater number of the lords of the session being resolved not to own the assembly, all such petitions wherein the bishops were not designed as they ought to have been, but were called either pretended bishops, or late ministers of the places where they served before their promotion,

were rejected: and some signatures being offered in exchequer wherein they were so designed, Traquair took them and tore them to pieces. Of all this the covenanters complained, as if justice were denied; but it was told them, that if they went to force the session, it would be high treason, and that they would never yield to them. But the four covenanting lords of the session having passed petitions wherein the bishops were so called, these were stopped at the signet. The covenanters made also great complaints to the council, of some persons who had written to England of their designs to invade it; of which they protested themselves innocent, and craved liberty to pursue their slanderers: but that was laid aside, only a letter was written about it to the king. Yet all, at least most of the council, what through fear, what through inclination, went along with the covenanters; and such as stood firm to their duty were forced to fly into England.

184 The covenanters made sure work of all the shires; only in Tweedale, Traquair resisted them a little, and got their meetings to be deserted for two or three diets; but that was all he could do. In Teviotdale the earl of Roxburgh kept all right, and begun to levy men as well as others; but he was faintly followed. The marquis of Douglass was not able to do his majesty that service his illustrious ancestors had done the former kings; for himself was a papist, and so not followed by the friends and dependers of that noble family: so that all the marquis could do was to go and wait upon his majesty, and offer his house of Tentallon to be made use of as the king pleased. But the covenanters seized both it and his house of Douglass: and thus all on the south of Tay was lost without stroke of sword. But in Angus the earls of Airly and Southesk made more vigorous resistance to the attempts of the covenanters, and were able to have made that country good for 116
the king, but could not withstand the force came upon them from other places. They all armed, and earl Airly stood out to the pacification, but Southesk was fitter for a council than a camp; and seeing inevitable ruin to follow, since the king's preparations went on so slowly, he struck sail and came to Edinburgh. Huntley gave them more trouble: for my lord of Montrose and Kinghorn, with some others, coming to hold

a committee at Turreff in that county, he gathered so many together, and came so near them, that they were forced to disperse themselves; yet he kept up his commission of lieutenantry, acting only in the quality of a peer and councillor. But they resolved, since they could do nothing against him with the men of that shire, to bring a body from other places to ruin him. The want which pinched the covenanters most at first was of good officers; and this made general Lesley (who at that time had acquired much fame in the wars of Germany) get an earnest invitation sent him from the earl of Rothes, in the name of the covenanters, to come home to command their forces; upon which he did quit his employment there, and came to Scotland with many other commanders. He was chosen their general, and undertook the service with much joy. And this was the posture and preparations of Scotland, which I draw from the letters that are yet extant, written to the marquis from the lords of Traquair, Huntley, Airly, and Roxburgh.

185 Meanwhile the king went on making all the haste with his levies and preparations that was possible, in which none acted his part with more fidelity and better despatch than the earl of Northumberland, who was admiral, and discharged what was committed to him so well, that nothing was defective that concerned the fleet. But the marquis found the hearts of many of the English nobility both backward and cold; and in particular he assured the king that he saw much heartiness was not to be expected from some of the general officers; which the king apprehending, trusted them as little as was possible. About the middle of March the king published a declaration of the reasons of his expedition against Scotland, which was followed by a larger one, commonly called *the large declaration* or *manifesto*, penned by Balcanqual, and revised by his majesty: in which a full account was given of the rise and progress of the combustions of Scotland; of which no more shall be said, it being so commonly known, save that from the account hath been given it will appear how unjustly that book was charged to be full of lies and calumnies.

166 The news of this coming to Scotland set all a-flaming; whereupon they first sent in papers and letters through all

England, and to the court, vindicating themselves, with high protestations that they designed not the invasion of England, as had been misrepresented; and therefore they expected no hostility from them, to whom they neither did nor intended hurt. These letters were said not to be ill-received, even by some at court, who were in the highest trust. The covenanters also resolved to take the start of the king; and so on the 23rd of March, general Lesley with some companies went to the castle of Edinburgh and petarded the gates, and set ladders to the walls, and carried it, no resistance being made from those within. It is true, much could not be made; but that could not wipe off their stain who yielded that impregnable and important place so faintly. The occasion of their negligence was, that a gentlewoman of good 117
quality was sent in under pretence of visiting the captain of the castle, to keep him in discourse: she dined with him, and engaged him to play at cards, so that they were about his ears before he was apprehensive of danger. Dumbriton run the same fate, it being surrendered by sir William Stewart; whose only excuse was, that at his coming down the former year he found the whole garrison covenanters, that he durst not turn them off, nor take on new soldiers without a powerful assistance; and so finding them resolved both to deliver him and the castle up, he could do nothing alone: besides that he was unprovided of every thing that was necessary for a siege. The next day after the castle of Edinburgh was seized the covenanters went to the session to force the lords to take the covenant; but most of them refused it: then they seized on the privy-seal, and thought to have got the great seal, which the marquis had committed to the keeping of an honest servant, Mr. John Hamilton, by their endeavours to prevail with him for it; but he refused to part with it except with his life, and so preserved it.

187 Their next attempt was upon Dalkeith, whither Traquair retired with a small company; and he without stroke of sword surrendered it; for which his courage seemed more blameworthy than his honesty. But his greatest fault was, that he yielded up the regalia, the crown and sceptre, which lay there, and carried them not with him: neither did he spoil the arms that lay there, which since he could not carry

with him, he ought to have done, and not to have left them to strengthen the enemy. But from this he hasted to meet the king at York. Roxburgh's misfortune followed this; his county being upon the borders was of great importance for the king's service, and he kept it in pretty good order, till Munro came with some forces out of other shires: but his son lord Ker, whom he left with the trust of all, (going himself to wait on the king,) turned over to the covenant. The news of this overtook Roxburgh in his journey, in which he made the more haste, that he might be the first who should give the king an account of that unlucky adventure, whereby he might prevent all jealousies against himself.

188 The king set out from London the 27th of March, and came to York the first of April. The first blast of this storm fell on Huntley, against whom the covenanters sent a great force both of horse and foot with some cannon, commanded by the earls of Montrose and Marshal. But marquis Huntley finding himself unable to resist them, retired in some disorder to Turreff, and they followed him, taking Aberdeen in their way; which had hitherto stood for the king, but was now forced to render, the bishop with the doctors escaping by sea to Berwick. At Turreff my lord Huntley laid down arms, where treating with them, by a surprise he and his son the lord Gordon were taken prisoners, and brought over and committed to the castle of Edinburgh, where they lay till the capitulation at Birks. I am sorry I want materials for saying more in the vindication of that noble person; but I must not dismiss one story without taking notice of it, which is, that the marquis is blamed, as having given him orders to do as he did. And this, with other stories of the like truth, was put in to swell the charge given in against him some years after this; yet it is strange that when the viscount of Aboyne, who was Huntley's second son, came to wait upon the king 118
at York, there was no complaint made of that: nor when Huntley was enlarged, and waited on the king, does there appear the least vestige of his alleging any thing to the marquis's prejudice. The ground of the story is this, the marquis had written in the king's name, and by his order, to the marquis of Huntley, when he sent him the commission of lieutenantry, (as hath been said,) to beware as much as was

possible, that he should not be the first aggressor, till his majesty were upon the borders; for the king knew that Huntley could not resist all the covenanters' forces, and to make a powerful diversion when the king should be dealing with them in the south was all could be expected from him. Likewise, the marquis failed not to give weekly advertisements of the progress of the king's preparations; which appears both from Huntley's letters to the marquis, and the copies of the returns he gave them, that are yet extant: and therefore there remains nothing upon this account to charge or suspect the marquis's fidelity.

189 The marquis was left at London to see that the fleet and the other land soldiers, who were to be shipped in some colliers' vessels, might be ready to go aboard upon order: and his majesty wrote him the following letter before he left London:

190 HAMILTON,

I received yours but this morning, to which before I answer I must tell you news: first, that Jacob Ashley has possessed Berwick with 1000 foot and 60 horse, and Carlisle is likewise possessed by my lord Clifford with 300 men: secondly, I have commanded Traquair to keep his chamber, until he give me an account how he left Dalkeith without striking one stroke, and before any cannon was brought before it, having left the ammunition (not destroyed) to their reverence, and likewise the regalia: of this more by the next. Now for answer: I have given the proclamation to be written over by the clerk-register, with the general oath, both which you shall have with all speed: for your military oath, I like it extreme well, as likewise your opinion for detaining the patents of honours until the country be settled: for your brother, certainly if you had forgotten him I should not, but have remembered my old engagement: and for Dalliel, indeed he deserves well; yet methinks a viscounty may serve at this time, that I may have something more to give upon further occasion: and so I rest

York, 2 *Apr.* 1639.

Your assured constant friend,
CHARLES R.

191 The next day he had that which follows: 119

HAMILTON,

According to my promise yesterday, I have sent you back the proclamation and oath, but with very few additions. As touching

Traquair I can say little more than I did, because I have not yet seen his defence; only if I had not taken this rude notice of his base action, I am sure I should have disheartened a number of honester men than ever he was or will be. This morning I have news of the safe landing of the five hundred Irish, which are by this time in Carlisle, there to attend until further directions. I have no more at this time to say, but to know, if col. Gun be not one that you have entertained, for it is said that he is going back again to Germany. One thing I had almost forgot; they say for certain that Aberdeen holds out still, and is not likely to yield in haste; if it be so, you know what to do. And so I rest

Your assured constant friend,

York,
3 *Apr.* 1639. CHARLES R.

192 The day following he got the next letter:

HAMILTON,

This is to tell you that the news of the rendering of Aberdeen came immediately after the despatch of the last post, and that though Huntley be retired, yet he is neither beaten nor overrun: but the chief cause of my writing at this time is, that since I have shewn the proclamation to Orbiston and sir Lewis Stewart, they have both been very instant with me to change something in it: which (though my judgment goes with them in the most, and therefore I will not be wilful; yet) I think I shall alter, or (but rather) palliate one point, to wit, not to set prices upon the declared rebels' heads, until they have stood out some little time; which time is to be expressed in this same Declaration. Another thing is, whither and when to send you Devick; and lastly, whether I shall see you before you put to sea, which I should be glad of, if it should not retard the service: and so I rest

Your assured constant friend,

York,
5 *Apr.* 1639. CHARLES R.

193 A despatch came at this time from Ireland, shewing that it 120
would be about the end of June before the lord lieutenant could come with the army he was preparing for his majesty's assistance: adding, that all Antrim's fair undertakings were like to vanish in air, and that he was not able to do as he had engaged; for after he had used many arts to find some colour of fastening the failing on the lieutenant's part by unreasonable demands, finding him satisfied with them all, he was forced to acknowledge that he was not able to do the king

the service he had undertaken that summer; yet most of the Scots in Ireland offered their service very cordially, and willingly declared their dislike of the covenant.

194 His majesty's next care was about his proclamation for Scotland, wherein he gave an account of the affronts his authority had received by the covenanters, and his designs to do himself right, according to the power and authority God had put in his hand: withal offering indemnity to such as should within eight days lay down their arms, some few excepted; declaring such as would not obey, rebels, setting a price upon their heads, and ordering their vassals and tenants not to acknowledge them nor pay them rents. But by his majesty's letters it will appear how he was advised to change some particulars of the first draught, to which counsels his majesty did willingly give ear; though there were some about him of both nations studious enough to dissuade him from any thing that looked like a temper; some carried on by their revenge and passionate resentments; others were acted perhaps with worse principles and designs. In end his majesty having resolved on a draught of a proclamation, he sent one to the marquis with this following letter:

195 HAMILTON,

I send you with this my proclamation, as I have now made it upon debate with sir Lewis Stewart, wherein I have altered nothing from the first but what I wrote you by my last; only I have added some things of favour to those that shall repent, which nevertheless are of so little moment, that although this should not come to your hands time enough, the other might pass very well. As for the publishing of it, I shall do my best to get it proclaimed both in Edinburgh and in the rest of the kingdom: nevertheless you must not leave to do your best for the publishing of it. So wishing good success as well to your person as cause, I rest

Your assured constant friend,

York,
7 *Apr.* 1639. CHARLES R.

196 And with this letter the king sent the following order written with his own hand:

HAMILTON, 121

I send you herewith my pleasure in a proclamation to my subjects of Scotland, and by this command you to use all sort of hostility

against all those who shall not submit themselves according to the tenour of the same; for which this shall be your warrant.

York,
7 *Apr.* 1639. CHARLES R.

197 At the same time the marquis received the following letter:

HAMILTON,

I have spoken with Henry Vane at full of all those things that were concerted betwixt you, and agree in all things but one, which is, that he thinks your going into the Frith will make the rebels enter into England the sooner; whereas, on the contrary, I think that my possessing of Carlisle and Berwick hath made them so mad, that they will enter in as soon as they can persuade an army together, except they be hindered by some awful diversion: wherefore I could wish that you were even now in the Frith, though the borders might be quiet till my army be brought together, which they say will hardly be yet these ten days. Yet I am not out of hope to be at Newcastle within these fourteen days, and so to Berwick as soon as I may with either honour or safety; wherefore my conclusion is, go on a God's name in your former intentions, except I send you otherwise word, or yourself find some inevitable necessity: and so I rest

Your assured constant friend,

York,
10 *Apr.* 1638. CHARLES R.

P. S.—I have sent you ten blanks, whereof four be signaturewise.

198 Both these found him at Yarmouth-road on the 15th of April, whither he was come to take in his soldiers. The officers were very affectionate to his majesty's service, but did not know what their employment was to be, save that in general they were to go to sea. When he told them they must go to Holy-Island, and there receive the king's further orders, they seemed surprised; yet were resolved on obedience. Their men were good bodies, well clothed and well armed, but so little exercised, that of the five thousand there were not two hundred that could fire a musket. The occasion of this was a clause in the council's letter to the lieutenants of the counties 122
in which they were levied, that if other good men could be had, the trained men should be spared; and the deputy-lieutenants upon this ordered it so, that not so much as the sergeants and corporals were trained. But whether there was a design in this God knows, for nothing appears to make it out beside jealousies. This was a great affliction to the marquis, for he knew the king confided much in him; and yet he saw

there was an impossibility of his doing anything to purpose till the soldiers were some ways exercised; which he caused do upon the ships as frequently as was possible. The furnishing them with water and other necessaries, together with cross winds, kept them some days in the road; and before they got out of it, the marquis received the following letter from his majesty:

199 HAMILTON,

It is true that I was content to hear your advice concerning your going into the Frith, it being chiefly to shew Henry Vane that your judgment went along as well as your obedience; though I had a care ever to take off from you the envy of seeking this particular employment, taking it, as it is just, upon my own absolute command; yet I will not say but that you might have cause to wonder, because neither of us expressed ourselves so clearly as we might. But my chief errand to you at this time is, that upon serious debate upon your long letter to Henry Vane, only with him and Arundel, (for I dare trust no other,) we found no reason to alter my former commands, but were more confirmed in the fitness of them; only we have thought requisite to alter some things in the proclamation, which you shall receive by the next despatch, at furthest within a day or two of this: so that you are not to (indeed I think you cannot) publish any until the new one come to you (for I believe it will be at the Holy-Island before you): the alterations of which you will only find to be, that I do not say all I think; but in no ways slack my resolution, much less seem to yield to any new thing. So referring you to Henry Vane for the relating of our proceedings here, I rest

York, 18 *Apr.* 1639.
at ten o'clock at night.

Your assured constant friend,
CHARLES R.

200 About the end of the month he set sail, but the winds were contrary, and so it was the 29th of the month ere he got to Holy-Island; where he met the following letters from his majesty:

201 HAMILTON, 123

According to my promise on Thursday last, I send you herewith the proclamation altered as I then wrote; and that you may not think that these alterations are grounded upon new counsels, I shall desire you to observe, that I do not so much as seem to add the least thing to my former promises. It is true, that I neither mention the late pretended general assembly at Glasgow, nor the

covenant at this time: my reason is, that if for the present I could get civil obedience, and my forts restored, I might then talk of the other things upon better terms. As for excepting some out of the general pardon, almost every one now thinks that it would be a means to unite them the faster together; whereas there is no fear but that those who are fit to be excepted will do it themselves by not accepting of pardon, of which number I pray God there be not too many: so that you are now to go on according to your former directions, only proclaiming this instead of my former signed proclamation; and so to proceed with fire and sword against all those that shall disobey the same. So praying to God to prosper you in all things, I rest

Your assured constant friend,

York, 10 *Apr.* 1639, *at* 4 *in the afternoon.*

CHARLES R.

202 HAMILTON,

Before that this come to your hands you will have received two of mine of an elder date, to which I can add so little, that if I had not received yours of the 18th I would not have written at this time. You have done well in laying all the doubts before me, and shewing all your defects, (for which I am heartily sorry,) by which I see there is not so much to be expected as otherwise there might: yet I continue my former resolution, being glad that your own inclination leads you thereto; recommending Tantallon to your thoughts, for the which I have agreed with the true owner. Think not of the north until I have done some good in the south. I shall haste to Berwick as soon as possibly I may; but I fear it will not be before the 12th of May, and I hope the 15th will be the latest. So hoping to have a merry meeting with you in Scotland, I rest

Your assured constant friend,

York, 23 *Apr.* 1639.

CHARLES R.

203 With these he got also the following note in answer to his 124 last letter from Yarmouth-road:

HAMILTON,

Having opened your packet to master treasurer, I could not but tell you that I could not but pity your cross winds and commend your diligence: and so I rest

Your assured constant friend,

York, 25 *Apr.* 1639.

CHARLES R.

204 Having received these orders he held on his course, and on the first of May he entered the Frith, and found the fittest place to cast anchor in was Leith-road. The covenanters

had committed a great escape, in not building a fort on Inchkeith; which might have occasioned much trouble to him, besides that it would have kept that place from him, which proved of great use to his weary soldiers. As soon as he came thither, fires were presently set up on all the hills to gather the country for the defence of the coast, which they expected he should have set on immediately. But he was first to get the proclamation published, wherefore that same night he sent one ashore with a letter to the clerk of the council, commanding him to come aboard. He wrote also to the magistrates of Edinburgh to send him to him. The bearer of these letters was used civilly, but kept as a prisoner; and the town-council of Edinburgh excused themselves from sending the clerk of the council to him. The clerk also wrote to him, that he was kept by force from coming to wait upon him. Next day he landed his regiments on Inchkeith and Inchcolm (two little islands in the Frith), one of them upon the former, and two on the latter, both for giving them air, and exercising them. He caused also search and cleanse the wells of these places, which gave great relief: but at this time the small-pox got among his men, whereupon he put all the infected in ships by themselves: some few died. Yet for all the stories were made of his men's dying below decks, very few died during his whole stay at sea; and he divided his care so equally among them, and was so obliging to them all, that they not only were far from mutinying, but all of them became most cordial to him: and the colonels did highly magnify both his conduct and his obliging civilities to them in their letters to sir Henry Vane.

205 Three days after his former message he sent one ashore with his majesty's proclamation, (enclosed in a letter to the magistrates of Edinburgh,) commanding them to publish it next day in due form, under all pains; and sent another proclamation to the clerk of the council, commanding him to see it published; or if that were not done, to cause affix it at the cross. And next day, at the hour wherein it ought to have been published, he caused loose some piece of ordnance: but the magistrates of Edinburgh desired a delay of three days; to which he yielded, because he was willing it might fall out so, that as soon as the eight days prefixed in 125

the proclamation were expired, his majesty might be on the borders, that so they might be ready to enter into hostilities immediately. Upon which he wrote to his majesty what he had learned of the strength and resolutions of the covenanters, suggesting how necessary he believed it was to listen to a treaty, if the covenanters desired it.

206 On the 9th of May he received the following letter, signed by about forty of the chief lords and gentlemen of the covenant, the original whereof is yet extant:

207 Please your Grace,

As we were here met to attend the parliament indicted by his majesty, there was shewed to us by the provost of Edinburgh a letter from your grace to himself and the bailiffs and council of this city, with the copy of theirs returned to your grace, deferring the more full answer till our meeting. And withal there was presented from your grace his majesty's proclamation, which having perused, we find it doth contain divers points not only contrary to our national oath to God, but also to the laws and liberties of the kingdom: for it carries a denunciation of the high crime of treason against all such as do not accept the offer therein contained; albeit it be only a writing put in print without the kingdom, and not warranted by act and authority of the council, lawfully convened within this kingdom. And your grace in your wisdom may consider whether it can stand with the laws, liberties, and customs of this kingdom, that a proclamation of so great and dangerous consequence, wanting the necessary solemnities, should be published at the mercat-cross of this city. Whereas your grace knows well, that by the laws of this kingdom, treason and forfeiture of the lands, life, and estate of the meanest subject within the same cannot be declared but either in parliament or in a supreme justice-court after citation and lawful probation, how much less of the whole peers and body of the kingdom, without either court, proof, or trial. And albeit we do heartily and humbly acknowledge and profess all dutiful and civil obedience to his majesty as our dread and gracious sovereign: yet since this proclamation does import in effect the renouncing of our covenant made with God, and of the necessary means of our lawful defence, we cannot give obedience thereto, without bringing a curse upon this kirk and kingdom, and ruin upon ourselves and our posterity; whereby we are persuaded, that it did never proceed from his majesty, but that it is a deep plot contrived by the policy of the devilish malice of the known and

cursed enemies of this church and state; by which they have intended so to disjoin us from his majesty and among ourselves, as the rupture, rent, and confusion of both might be irreparable, wherein we hope the Lord (in whom we trust) shall disappoint them. And seeing we have left no means possible unessayed since his majesty's coming to York, (as before,) whereby his majesty's ear might be made patent to our just informations, but have used the help (to our last remonstrance) of the lord Gray, the justice-clerk, the treasurer, and the lord Daliell, as the bearer can inform your grace, and yet have never had the happiness to attain any hopes of our end, but have altogether been frustrate and disappointed thereof; and now understanding, by the sight of your grace's letter, that your grace, as his majesty's high commissioner, is returned with full power and authority to accommodate affairs in a peaceable way, we will not cease to have recourse to your grace, as one who hath chief interest in this kirk and kingdom, desiring your grace to consider, (as in our judgments we are persuaded,) that there is no way so 126
ready and assured to settle and compose all affairs as by holding of the parliament according to his majesty's indiction, either by his sacred majesty in person, which is our chiefest desire, or by your grace, as his majesty's commissioner, at the time appointed, wherein your grace shall find our carriage most humble, loyal, and dutiful to our sovereign or to your grace, as representing his majesty's person: and in the mean time that your grace would open a safe way, whereby our supplications and informations may have access to his majesty's ears. And we are fully persuaded that we shall be able to clear the lawfulness and integrity of our intentions and proceedings to his majesty, and make it evident to his majesty and to the world that our enemies are traitors to the king, to the church and state, and that we are and ever have been his majesty's loyal and obedient subjects. So we rest

Your grace's humble servants,

A. Lesley	Dalhousie	Forrester
Argyle	Lothian	Erskins
Marre	Angus	Boyd
Rothes	Elcho	Napier
Eglinton	Lindesay	Burghly
Cassils	Balmerino	Kirkudbright
Wigtown	Montgomery	

And about 30 commissioners for shires and boroughs.

Edinburgh.
9 *May*, 1639.

208 To this letter the marquis wrote the following answer next day, directing it to the earl of Rothes :

My Lord,

I received a letter yesterday morning signed by your lordship, and divers noblemen and others, wherein you allege you are come to attend the parliament ; but considering your preparation and equipage, it appears rather to fight a battle, than to hold a civil convocation for the good of the church and commonwealth. You may perceive by his majesty's gracious proclamation that he intended in his own sacred person to be present at the parliament, so soon as with honour and safety he might do it, and for that end expressed therein what was fit to be done. But these courses which you take, and your disobedience to his just commands, daily more and more shewed, will necessitate him to have them put in execution another way.

It is true, that his majesty sent me hither to accommodate these affairs in a peaceable manner, if it were possible ; which I have laboured to do ; and accordingly my deportment hath been ; which hath been met with that retribution, as if I had met with the greatest enemy : but your refusing to publish his majesty's grace to his people, signified in his proclamation, hath taken away that power which otherwise I had ; that being a liberty taken to yourselves which never any loyal subjects assumed in any monarchy You allege many reasons for yourselves of the illegality of that proclamation ; but you cannot be ignorant that your carriage hath forced many of these principal councillors for safeguard of their lives to forsake the kingdom, out of which they remain yet for the same cause. You have suppressed the printing of all writings but what 127
is warranted by Mr. Alexander Henderson and one Mr. Archibald Johnstown : neither was the clerk of the council, whom I sent for twice to give him directions concerning this business, permitted to come aboard to me, upon conference with whom (for any thing you know) I might have resolved to come ashore myself, and convened a council for the publication thereof in the ordinary way. But your extraordinary proceedings in all things must needs force from his majesty some things which perhaps you may think not ordinary. Whereas you desire me to be a means that your supplications may have free access to his majesty's ears, it is a work of no difficulty ; for his majesty hath never stopped his ears to the supplications of any of his subjects, when they have been presented to him in that humble and fitting way which became dutiful subjects : nor did I ever refuse

any all the time I was among you, or conceal any part of them from his majesty. So that your allegation of not being heard is grounded upon the same false foundations that your other actions are, and serves only for a means to delude the simple people, that by making them believe what you have a mind to possess them with, they may become backers of your unwarranted actions; which as it is generally lamented by all his majesty's good subjects, so it is more particularly by me, who have had the honour to be employed in this business with so bad success.

My Lord,

Your humble servant,

HAMILTON.

209 After this, on the 11th of May, a letter came from the council and session, desiring liberty to send some of their number to wait on him, which being granted, Southesk and Innerpesser came to him with a very bare message, asking what he had to propose: he said it was contained in the proclamation, to which he could neither add nor change. They represented to him the rage in which all people were, and how hard a work it would prove either to reclaim them by reason or conquer them by force, unless way were given for some time to their follies.

210 On the 13th day he received a letter from his majesty, which follows:

HAMILTON,

The length of Henry Vane's despatch will shorten this, not being willing to trouble myself with writing, nor you with reading, of repetitions. This I must observe to you, that whatsoever either he or I writes at this time is no absolute command, but merely advices to help your knowledge, that you may the easier judge what is best for my service. Upon this ground I send you here a discourse of Mr. Thomas Hamilton's, wherein many things to my seeming are very well said, but how far practicable, or when, I leave you to judge; as likewise upon the whole matter I give you my opinion, that if you find it not fit to land all your five thousand men upon Lothian- 128
side, then it may be counsellable to send most of your landmen to the north, to strengthen my party there. As for your landing in the south, I shall only name two places besides Tentallon, to wit, Sterling (if that be not too far off to be relieved) and Dumbar: as for Tentallon, I shall command the marquis of Douglas to send one to agree

HAMILTON.

that business with you. So longing to hear from you, and wishing you good luck, I rest

Your assured constant friend,

Newcastle,
May 8, 1639.

CHARLES R.

211 To this shall be added the paper mentioned in the king's letter.

The river of Nesse is large and deep, falleth out of a lake named Nesse, twenty-four miles long, and five or six in breadth, into a great bay of the sea. On this river standeth the town of Inverness, which hath a strong castle, in the keeping of the marquis of Huntley, as yet not taken: if in this town and castle were put a competent garrison, with a ship and pinnace in the bay, you might break the ferry-boats, and stop all passages from northward of that river.

The river of Tay falleth out of a lake ten miles long, and one and an half broad, from whence the river hath the name, which is the main and only passage between the north and the south parts of the kingdom. This river falleth into the east sea below Dundee, the biggest town almost in Scotland. At the entry to the sea it is two miles broad, and continueth the same breadth upward till within three or four miles of Saint Johnstown, between which town and Dundee there are sixteen miles and above, at no part whereof there is any passage but by ferry-boats. If a few ships would ride at the mouth of this river below Dundee, and send up some small pinnaces, they might break all the ferry-boats, and stop all the passages that could be made over at any part between the north of the river and the said town of Saint Johnstown, above which to the said lake the river is not ridable, but at some few fords; the passages whereof might be kept by the noblemen who stand well affected to his majesty's service, and whose estates do lie thereabouts in Strathern: such as the earls of Airly, Perth, Tullibardin, and Kinnowl, who if they were sent home with a competent number of soldiers to attend them, all those of their name, their friends and tenants, gathered unto them, might stop all land passages whatsoever from north to south.

And in case the people of Fife, who dare not now cross Forth river in regard of your majesty's ships, should march with supply by Sterling-bridge to Lothian, these noblemen with their forces might be in some narrow passage in their way; and if they could not force them to retire, yet they might fall upon their country in their absence, so that they could not both be able to defend their sea-coasts and secure them from danger on their backs: neither durst

they all turn back on Strathern, for fear that those of the fleet should land on their shores in their absence.

The shire of Perth would be a rendezvous and safe retreat to all 129
those of Fife, Angus, Strathern, and highlands, who upon this proclamation shall abandon the covenanters' party, and stand for his majesty's service.

These four noblemen, with the number your majesty will send with them, might be sent almost to their dwellings by sea on the said river.

If the town of Sterling were seized, these river-passages made sure, and the town of Aberdeen secured, in regard of your majesty's forces in the north, no harm could be expected from benorth Leith.

212 The 13th of May the marquis received the following letter, signed, but not written, by the earl of Rothes:

Please your Grace,

I should have been far better contented to have seen you here at the parliament with his majesty, or holding that indicted as his majesty's commissioner, than with a navy and army to constrain us beyond these just limits of religion and lawful obedience, which we were always willing to perform. It was far by my expectation, and your grace's oath and promise, that you should ever come in any chief command against your native country. Whereas your grace doth challenge our coming in such numbers to attend this parliament, I hope you conceive that this navy and army upon the borders, and the invasion threatened in the west, do sufficiently warrant our preparations to defend these places, and divert such dangers. That proclamation that is said to carry so much grace and goodness is as destitute of that as your invasion is of a good warrant; which persuades me, that neither of the two proceeds from his majesty's own gracious disposition. I cannot stand here to answer all these misconceived particulars contained in your grace's letter; but if I had the honour to see your grace, before any more mischief be done, I dare engage my honour and my life to clear all these imputations laid on our proceedings; and I can demonstrate how hardly we have been used without any just reason. I dare not be answerable to God Almighty, and to that duty I owe my prince and country, if I do not shew your grace, that your going a little further in this violent and unjust way will put all from the hopes of recovery, for which both a great deal of blame from men and judgment from above shall attend you, as the special instrument, which I wish you labour to evite. If our destruction be intended,

we are confident in that Majesty who owns this cause, and is able to defend it: and if only terrors to fright and prepare us to accept of any conditions will be offered, that intention is already as far disappointed as any of these many former. But as we are ready to defend, so ever to insist in supplicating, and using all humble and lawful means, as becomes us. Mr. Borthwick will deliver to your grace our supplication to his majesty, and both his and my mind, till I shall have the occasion to disburden myself, surcharged with grief at your proceedings; being most desirous (as I have been formerly) to have all these occasions removed that may divert me from being still

Your grace's humble servant,

ROTHES.

213 On the 17th of May the marquis returned the following answer to the former letter:

MY LORD, 130

I have received your lordship's letter signed by you, but I cannot conceive it of your lordship's indicting; for I believe you would not have sent such an one to me, if you had not had some malignant spirits busied in the framing of it; for you cannot but remember that my words were never other, than that I would die at my master's feet, and that I would prove an enemy to the uttermost of my power to this kingdom, if my countrymen continued in their obstinacy: and here I set it under my hand, that I will (by God's grace) make it good. It is true, knowing my own inability, I neither desired, nor indeed willingly did accept, the conduct of an army against this nation; but my backwardness proceeded not out of a desire not to be employed against such in this country as were disobedient, but that his majesty might have found many more able to have served him: but since he hath been pleased to trust me, I will not deceive him.

You pass by many particulars in your answer to my letter untouched, saying, you cannot stand here to answer them. It is most true, they are not to be answered, and so I take it. As for your own justification, it is the same which you have ever used, and so continue: but the best is, none that ever were truly informed of your proceedings doth or can give any approbation of them.

You say, if I go any further in a violent course it will be past all hope of remedy. If I do, none can blame my master, for that can never be called violence which is only to suppress rebellion: and if I proceed to execute his commands therein, you are the causers of it.

As Mr. Borthwick told me, I expected to have heard further from you before now: but nothing coming, I would forbear no longer to give you this answer under my hand, that both you and all the world may take notice what my inclinations are, which notwithstanding I do infinitely desire they may be stopped by your speedy and real submission to his majesty's just commands. And this is the prayer of him who wisheth it may be still lawful for him to call himself

From aboard the Rainbow, 27 May, 1639.

Your lordship's humble servant,
HAMILTON.

214 Upon this the marquis was hopeless of getting the proclamation published: wherefore he sent a great many copies of it to all places, as he had occasion, to be dispersed over the country. At the same time the king sent sir James Carmichael, the treasurer-deputy, to Edinburgh, to get it published; and he meeting the lion-herald required him to go do his duty; but he was timorous, and being threatened with his life, as he was going to the cross, run away without putting on his coat.

215 On the 14th of May the marquis despatched sir James Hamilton to the king, with an account of all he had learned, desiring positive orders how to proceed: whether, eight days being now passed since he had offered the proclamation, he might not proceed to hostilities; or if he should continue talking in the language of a treaty: and sent the following paper to sir Henry Vane, of the heads on which he thought a treaty might be set on foot.

I. If they can be brought to lay down their arms, and every man 131
to repair in quiet manner unto their own dwellings, except such who are to attend the parliament.

II. If they can be brought to deliver up your majesty's castles, and other private men's houses they have taken, with the arms and ammunition they have taken.

III. If they can be brought to express their sorrow that they have offended your majesty, and humbly crave your majesty's pardon for the same.

IV. If they can be brought to supplicate, that what they have to say against bishops may be heard in the next parliament; and as their desire shall seem just or unjust, there to receive a ratification or denial.

V. The like for the last pretended general assembly.

VI. If they in all civil things will acknowledge your majesty's authority, and swear obedience to the same.

VII. If they will desist from their going on in their fortifications, and they only to remain in the estate they are in till the end of the parliament. Though there is little hope of doing good by treaty, or that they will condescend to this; yet I thought it my duty to give advertisement of this, and humbly to crave answer and orders in writing, how far I shall give way, and how I shall carry myself.

HAMILTON.

I shall desire that none may see this but his majesty, or at least that it be not known that it came from me.

216 In answer to this his majesty wrote him the following letter:

HAMILTON,

I have kept this honest bearer the longer, that I may with the more assurance give you my directions what to do, consisting of two points, fighting and treating: for the first, we are still of the same opinion, that it is not fit that you should give on until I be on the borders, which will be (by the grace of God) by this day eight days, except you find that before that time they march down to meet me with a great strength. In that case you are to fall on them immediately, and in my opinion as far up in the Frith as you think probably may do good, thereby to make a diversion. In the mean time I like well that you go on upon that ground of treaty you sent a note of to master treasurer, (which you will find I have underwritten,) nobody else being acquainted with it. Thus having given you my directions both concerning fighting and treating, I leave the rest to the faithful relation of the honest bearer, and rest

Your assured constant friend,

Newcastle, 17 *May*, 1639. CHARLES R.

217 And with this letter his majesty sent back the note of the 132
grounds of treaty, which was sent to sir Henry Vane, with the following words written at the end of it with his own hand.

I like well that you go on upon those grounds of treaty until I come to the borders: which will be (by the grace of God) by the 15th of this month.

Newcastle, 16 *May*, 1639. C.-R.

218 After this the marquis was assaulted with thundering letters from all hands, both from ministers and noblemen. Many of

these letters, with the copies of his answers, are yet extant, and run in a strain very far from any thing of friendship or correspondence; indeed they look liker challenges than letters of civility. The covenanters desired a safe conduct for such as they should send to him to treat with him: but he answered, he was the king's commissioner, and so would give no conduct for any of his subjects coming to wait upon him. And after a day's advisement, they sent the lord Lindsay (the marquis's brother-in-law) aboard with a petition of the former strain, who told the marquis that they would lay down their lives sooner than pass from what they had done; that their army consisted of twenty-five thousand men: they knew the king's cavalry was better than theirs, but their infantry exceeded his far. After some discourse had passed, (all before witnesses,) the marquis dismissed him. In the mean while all trade was stopped, and every vessel that belonged to Scotland was seized: only such as took an oath for adhering to the king against the present rebellion in Scotland were let go, according to his majesty's orders. One vessel was taken which was of more importance, having in her about twenty officers, who were coming home from Germany upon Lesley's invitation. All these the marquis sent to Berwick. He sent also a free advice to the king, informing him of all he knew of their strength: and that besides the army which was marching to the borders, there were about twenty thousand men lying on both sides of the Frith, so that his being there made a powerful diversion. He besought his majesty not to hazard on a battle, the success whereof was always dubious, but more than commonly so in this case, where the one side was desperate and the other but half cordial. He told his majesty how much he feared his foot might be too weak, wherefore he desired his majesty to consider if he would call for two of his regiments; since all the three were not sufficient for him to land with them, and march into the country, and one was enough to burn the coast, which was all he could do: and for that he was resolved not to fail in it as soon as he had orders; adding, that in a fortnight he would do all that could be done that way: after which he thought it would be fittest that he went northward, and landed his regiments there, (which must be supplied another way, if his majesty called for any of them,) where some good

might be done. But as for treating, he desired his majesty would employ others in it, if that were to be done; for he confessed his spirit was so irritated against them, that he desired neither to see nor meddle with them: only he told 133
his majesty, that the covenanters had addressed both their letters and petitions to some English lords, which he thought they should have brought to his majesty unopened, and given no other answers but such as his majesty ordered.

219 On the 26th of May he received the following letter from his majesty:

HAMILTON,

Rumours come here so thick of the great forces that the rebels mean very shortly to bring down upon me, that I thought it necessary to advertise you, that you may be ready at the first advertisement to land at the Holy-Island, wind and weather serving; yet not to come from where you are until I send you word, except you shall find it necessary by your own intelligence: and so I rest

Newcastle,
22 May, 1639. Your assured constant friend,

CHARLES R.

P.S.—I leave it to your consideration, if it be not fit to leave some three hundred men in Inchcolm, though it should be fit that you should come away with the rest of the landmen.

220 And the day following sir Henry Vane wrote to him to send two of his regiments to Holy-Island, to which letter the king added with his own pen,

I have seen and approved this; C. R.

221 Upon this order the two regiments, commanded by Morton and Harecoat, were accordingly despatched away immediately, and did land at Berwick on the 29th of May. About this time the covenanters sent a new message to the marquis, the account whereof shall be given from a paper written by sir Henry Devick, who was particularly trusted by his majesty at this time, and was a witness to the conference. The paper follows:

222 The whole discourse (so far as I can remember of it) may be reduced to these heads:

Their invitation of your excellence to go in person to his majesty to present their desires, and to mediate for an accommodation.

To this your excellence answered:

First, that having full power from his majesty to treat and conclude of all things concerning that business, you held it unnecessary to go to him.

Secondly, your excellence thought it unfit, you having so great 134
a charge here, which required your presence, and they having propounded nothing that could give sufficient occasion to such a voyage to undertake it.

Thirdly, that if the distance from his majesty were thought by them to be a hinderance to the treaty, they might address themselves to his majesty by such of the nobility as were about him, who was not distant above threescore and twelve miles from the leaguer.

They replied, that things would be more facilitated by your excellence's being there, wishing, that as you had a part in the beginning of these affairs you might have the honour to put an end to them.

Your excellence returned, that the lords Traquair and Roxburgh, who were now with his majesty, were employed in them before you; which they acknowledged, but wished it had never been, confessing that they were spoiled before you had the managing of them.

Concerning a cessation of acts of hostility, both by sea and upon the frontiers, where they complained of divers insolencies committed by the horse troops of his majesty; your excellence answered, that in what concerned the first, you had committed none since your coming hither: true it was, you had stayed and taken many barques and boats, but some of them you had dismissed without touching any thing that they had in them; and these from whom you did take to supply your uses, you had paid them for it: that this day you had sent to Burnt-Island, and would do so to other places, to offer them full permission of trade, provided they would swear not to carry arms aginst his majesty, and take the oath of fidelity: and for the fishermen you required no oath.

As for the other, namely, some pretended insolencies upon the frontiers, you knew of none, and believed not any; and if there was any, it was their fault, by their deferring to return to their obedience to his majesty: and when they made instance in some particulars, your excellence did cut them short, and said, that it was an unfit thing, and nothing conducible to make an end of business, for them to stand upon those punctilios with their sovereign; and for your particular, you would never be an instrument of any dishonourable act to his majesty, such as would be the engaging him not to correct the misdemeanours of his subjects: that you had made a like answer when you was demanded for passports to those that should come to you; which you had rejected, as judging it dishonourable

for his majesty to grant, or any of his subjects to ask or capitulate with his majesty for.

They pressed to know what his majesty required of them, and what would be the extent of his condescending to their desires in point of conscience, namely, touching bishops, and the acts of the last general assembly; wherein they said if they might have satisfaction, they would cast at his majesty's feet their bodies and fortunes, to be disposed of at his pleasure.

In answer to this your excellence caused me read his majesty's proclamation, wherein desiring to be cleared of his majesty's intentions, in the particular of the civil obedience, your excellence said it was the retiring with their troops, laying down their arms, and the nobility's waiting on him with their swords only upon the frontier, the restoring of his majesty's castles unto such as his majesty should appoint, and the demolishing of their own fortifications unlawfully erected, and the like.

As for the enjoying of liberty of religion, wherein likewise they did presss to know how far his majesty would condescend to their humble supplications, as likewise in the point of the acts of the last pretended general assembly, your excellence answered, It would be so 135
far as the laws of the kingdom did permit.

They asked who should judge of these laws, and of their intention, and if it might be decided by a general assembly: your excellence answered, Yes, and that either his majesty would call one, or yourself, as his majesty's high commissioner.

They desired to know if his majesty would stand to the award of such an assembly, especially in what concerned the acts of the later.

Your excellence answered, his majesty was not bound to it, as having his negative voice; which they not acknowledging, your excellence added, that notwithstanding you were confident that whatsoever should be agreed on by such an assembly, called by his majesty's command, and where the members should be legally chosen, his majesty would not only consent unto them, but have them ratified in parliament.

They desired your excellence would limit them a time wherein to return, and treat further with you, with full power to conclude all things wherein they desired not to be pressed with scantness of time, in regard of the nobility's being dispersed in several places of the country.

Your excellence answered, It should be when themselves would, were it to-morrow or a month hence; for you assured them, they would find you so long in these quarters.

Lastly, they desired to know what they might report of what your excellence had assured them of his majesty's intentions concerning religion and the general assembly.

Your excellence answered, that as they brought no commission to treat of all these particulars, but kept themselves within the limits of the contents in their letters, you would do accordingly in your answer, and that in writing they should receive something to-morrow.

223 This was that conference which some were pleased to misrepresent under the odious characters of treacherous and secret dealing with the covenanters.

224 At this time there were divers Scottish lords and officers waiting on the king, but being of no use, and burdensome to his majesty, he sent them to the marquis, with whom he wrote the following letter:

HAMILTON,

I cannot let these lords go without a letter, it being more to please them than to inform you; there having nothing happened since my last of the 17th that makes me either alter or take new counsels: so that this is only to recommend them to your care, in so far as may comply with my service; which shews you both my good opinion of them, as likewise that I am

Your assured constant friend,

Newcastle,
21 *May*, 1639.

CHARLES R.

225 But the marquis was very ill satisfied with their coming to 136
him, since they were able to do nothing but help away with his victuals, which were beginning to run low, and therefore were to be well husbanded; wherefore he persuaded them that it was fit for them to go to the places of their interest, and do what in them lay for getting some to appear for the king: and so he got himself rid of them the best way he could.

226 Two days after that, the marquis got the following letter:

HAMILTON,

The trust I have both in the honesty and sufficiency of this bearer shall ease me much at this time; therefore I shall only mention what he shall speak of more fully to you. The lord Aboyne's proposition I have in my last recommended to you, though at that time I thought not that himself would have been the messenger of it: other lords I have sent to you, to see if they can do

me better service there than here, for here I am sure they can do none. I shall conclude with that with which I have neither acquainted this bearer nor anybody else, to wit, your proposition of packing up this business. It is true, that according to my proclamation I would rest quiet for this time, upon their yielding me civil obedience; but that must be understood by demanding pardon for their by-past disobedience, and rendering up what they unjustly possess of mine and others. Less than this I will not be contented with, no, not for the present. For all this, I do not take myself to be in such a case as to conquer them, yet I doubt not but (by the grace of God) to force them to obedience (in time), what by stopping of their trade, and other courses: therefore go on, for this is the resolution of

Your assured constant friend,

CHARLES R.

227 But on the 29th of May the lord Aboyne came to him with the following letter from the king:

HAMILTON,

Having been some days since I wrote to you, I could not let my lord Aboyne go without these lines, though it be rather to confirm than to add to my two former: only I shall desire you to take heed how you engage me in money-expense. As for what assistance you can spare him out of the forces that are with you, I leave you to judge, and I shall be glad of it, if you find it may do good. The 137
truth is, that I find my state of monies to be such, that I shall be able (by the grace of God) to maintain all the men I have afoot for this summer; but for doing any more, I dare not promise: therefore, if with the countenance and assistance of what force you have you may uphold my party in the north, and the rest of those noblemen I have sent to you, I shall esteem it a very great service; but I shall not advise you to engage me in further charge, except it may be the pay of some few officers. So not doubting but that you will make as much of little as you may, and recommending this lord to your care, I rest

Newcastle,
13 *May*, 1639.

Your assured constant friend,

CHARLES R.

228 The marquis found Aboyne had no propositions to make besides general stories, and he saw him to be of an unstayed humour, so that he was hopeless of any good account of his business. As for money, he was limited by the king; and for men, he had sent away the two regiments that same day;

and since he expected orders every hour from his majesty for somewhat to be executed by the third regiment, he could not weaken it too much: yet he sent a few officers, the chief of whom was colonel Gun, together with some ammunition, and four small pieces of artillery. And of all this he gave an account to his majesty, adding, that perhaps some might misrepresent his lying so long idle; but his majesty knew what orders himself had given, it being his part to obey: yet he earnestly craved liberty to do somewhat worth the while. To which he received the following answer:

229 HAMILTON,

Having much business, I refer you to master treasurer; yet this I think necessary to pass under my own hand, (because of a clause in yours of the 26th of this month,) that I am so far from having the least hint in my heart against you, that I would think myself a happy man, if I could be as confident in the faith, courage, and industry of the rest of my commanders and officers as I am of you; which makes me really to be

Berwick, May 29th, 1639.

Your assured constant friend,
CHARLES R.

230 By this time the king had encamped at the Birks, three miles from Berwick, where his majesty lay in the camp himself.

231 All this while Traquair was not allowed to see the king, 138
till he had done some service which might expiate his former errors. And my lord Roxburgh was in the same case; for he coming to wait on the king at York, to clear himself of his son's fault in turning in to the covenant, his majesty was so gracious as to tell him he believed him innocent, yet for example's sake he found it necessary to keep him under some mark of his displeasure. So after a few days' confinement, both Traquair and he were suffered to go near the borders, to see whom they could engage to the king's service; and they gained the earl of Hume to be satisfied with his majesty's proclamation, and had got good assurances both of the lord Johnstown, the earl of Queensberry, and of Buckcleugh's friends. The proclamation was published, first at Heymouth; next, by general Arundel and Ruthwen at Dunce: upon which Lesley brought forward his forces, and lay at Duncelaw, in view of the king's army. On the fourth of June, at

noon, the marquis received the following letter from his majesty:

232 HAMILTON,

This day I received yours by the lord Seaton, and find your opinion therein very good, if I might spare so *many men:* but every one (that I dare consult with about this) protesteth against the diminishing of one man from my army: besides, I have no mind to stay here upon a mere defensive, which I must do, if I send you that strength you mention. Likewise I think that I have my lord Hume sure, and am reasonably confident of my lord Johnstown; I have good hopes too of Queensberry and the Scots; therefore, all these things considered, it were a shame if I should be idle. Wherefore now I set you loose to do what mischief you can do upon the rebels for my service with those men you have, for you cannot have one man from hence. Leaving the rest to the relation of this honest bearer, I rest

Camp near Berwick,
2 June 1639.

Your assured constant friend,
CHARLES R.

233 The marquis no sooner got this but he presently set to work, resolving neither to spare Burroughstownness which was his own town, nor Prestonpans which was his cousin's. But a strange accident befell him the next day; for as he went out in a small vessel with a drake on her, and 60 soldiers, to view the Queensferry, and burn the ships that lay in the harbour, he saw a merchant-barque coming down towards him, and he caused row up to her: but she perceiving her danger, run herself aground upon the sands of Barnbougle. The tide falling apace, and he following her indeliberately, run himself likewise on ground; where he was like to have been very quickly taken by the men on the shore, who were playing upon him, and some volleys passed upon both hands. But they on the land were waiting till the waters should fall, 139
reckoning him their prey already; which had been inevitable, had not the seamen got out, and, being almost to the middle in water, with great tugging set them afloat; and so he returned safe to the fleet. And this was all the ground for that calumny of his making appointments on the sands of Barnbougle with the covenanters.

234 The next day, at eight in the morning, being the 6th of June, he received the following letter from sir Henry Vane:

235 My Lord,

By the despatch sir James Hamilton brought your lordship from his majesty's sacred pen, you were left at your liberty to commit any act of hostility upon the rebels, when your lordship should find it most opportune: since which my lord Holland with one thousand horse and three thousand foot marched towards Kelso, himself advanced towards them with the horse (leaving the foot three miles behind) to a place called Maxwel-heugh, a height above Kelso: which when the rebels discovered, they instantly marched out with one hundred and fifty horse, and (as my lord Holland says) eight or ten thousand foot; five or six thousand there might have been. He thereupon sent a trumpet commanding them to retreat, according to what they had promised by the proclamation. They asked whose trumpet he was, he said, My lord Holland's; their answer was, he were best to be gone. And so my lord Holland made his retreat, and waited on his majesty this night, to give him this account.

This morning advertisement is brought his majesty, that Lesley with twelve thousand men is at Cockburn-spath, that five thousand men will be this night or to-morrow at Dunce, six thousand at Kelso; so his majesty's opinion is, with many of his council, to keep himself upon a defensive, and make himself here as fast as he can: for his majesty doth now clearly see, and is fully satisfied in his own judgment, that what passed in the gallery betwixt his majesty, your lordship, and myself, hath been but too much verified on this occasion. And therefore his majesty would not have you to begin with them, but to settle things with you in a safe and good posture; and yourself to come hither in person, to consult what counsels are fit to be taken, as the affairs now hold. And so wishing your lordship a speedy passage, I rest

From the camp at Huntley-field this 4th of July, 1639.

Your lordship's most humble servant, and faithful friend,

H. Vane.

236 To this his majesty added the following postscript with his own hand:

Having no time to write myself so much, I was forced to use his pen; therefore I shall only say, that what is here written I have directed, seen, and approved.

C. R.

237 How great the marquis's surprise and trouble was when he received this, cannot be easily expressed, though it was but what he always looked for: and before the king left White-

hall, he told him in the gallery, (none but sir Henry Vane being 140
present,) that few of the English would engage in an offensive [war] with Scotland. However he was too well taught in obedience to question or delay it after such positive orders: and therefore could neither give a satisfactory answer to the earl of Airly, who at that time wrote to him, pressing him to come to the north in all haste, otherwise the king's party there would be presently overrun; nor to my lord Aboyne's letter, who desired fresh supplies of men and monies, though the refusing of both these was after that alleged against him. Yet the last being dated the 4th of June met him on his way to the king; the other could be no sooner at him, being of the 26th of May, and in the postscript excuse is made that it was of an old date for want of a sure bearer: both these are yet extant. But most of all it appears how groundless that great and crying accusation was, (which as it made up no small part of his charge to be mentioned in its proper place, so was it in the mouths of every person,) that he betrayed his majesty's service in the Frith, which could not be better cleared than by giving this particular deduction of every step of it.

238 About the time that the marquis arrived at his majesty's camp, the covenanters sent a petition by the earl of Dumfermline to the king, desiring a safe-conduct for such of their number as they should send to his majesty's camp, with their humble desires and offers for a treaty. This was granted, and their first meeting was appointed to be on the 11th of June at Arundel's tent. So they sent the earls of Rothes, Dumfermline, and Lowdon, the sheriff of Teviotdale, Mr. Alexander Henderson, and Mr. Archbald Johnstown, who first proposed their desires in general, that religion and liberties might be secured, upon which they should behave themselves as good subjects: and then the marquis's affection to his country made him employ his whole interest with the king for procuring a gracious answer to them; offering, that if the king found it suitable to his honour, and fit for his service, he should not be displeased, though his majesty did disown his former actions, and let the load of obloquy and censure fall as heavy upon himself as the king pleased. But in this his majesty was positive, judging the owning of what

he had done the former year to be both for his honour and interest. However, the marquis did shew the king, that while the fire-edge was upon the Scottish spirits it would not prove an easy task to tame them, but would be a work of some years, and cost much money and many men: he therefore desired the king would consider, if it were not fit to consent to the abolishing of episcopacy, and giving way to their covenant till better times; and that as the chief leaders had entered upon that course, being provoked by some irritations and neglects they had met with, so it might be fit to regain them by cajolery and other favours. And to persuade the king to this course was the easier, that both his reason and his affection to his subjects did cooperate with it; a great strengthening coming to it by my lord Canterbury's opinion, who saw a pacification absolutely necessary for the king's service, and did advise it.

239 So on the 13th of June his majesty returned answer, that he supposed religion and liberties were abundantly settled by his former proclamations: but if any thing was wanting, wherein either religion or liberties were concerned, none should be more zealous for it than himself. The covenanters 141
insisted, that the assembly of Glasgow might be ratified; but his majesty rejected that, adding, that he was willing to call a new assembly and ratify what should be legally established by it in the following parliament. The commissioners were willing to yield to this, provided his majesty did not oblige them to renounce the assembly of Glasgow, to which they resolved to adhere. His majesty said, he should not press them to that, but that assembly should not be mentioned on either hand. They moved next about lay-elders in the assembly: the king referred himself in that to the laws of the land. They next moved that episcopacy should be abolished: the king answered, he would not prelimit his vote by declaring what it should be in the ensuing assembly. Finally, after all things had been debated divers days, not without some heat, wherein the earl of Rothes got new irritations from some warm expressions of the king's to him, at length, on the 18th of June, all was concluded. First, his majesty signed the following Declaration, of which the original is extant.

240 CHARLES R.

We having considered the papers and humble petitions presented to us by those of our subjects of Scotland who were admitted to attend our pleasure in the camp, and after a full hearing by ourself of all that they could say or allege thereupon, having communicated the same to our council of both kingdoms, upon mature deliberation, with their unanimous advice, have thought fit to give them this just and gracious answer; that though we cannot condescend to ratify and approve the acts of the pretended general assembly at Glasgow, for many grave and weighty considerations which have happened, both before and since, much importing the honour and security of that true monarchical government lineally descended upon us from so many of our ancestors: yet such is our gracious pleasure, that notwithstanding the many disorders committed of late, we are pleased not only to confirm and make good whatsoever our commissioner hath granted and promised in our name; but also we are further graciously pleased to declare and assure, that according to the petitioners' humble desires, all matters ecclesiastical shall be determined by the assembly of the kirk, and matters civil by the parliament, and other inferior judicatories established by law; and assemblies accordingly shall be kept once a year, or as shall be agreed upon at the next general assembly.

And for settling the general distractions of that our ancient kingdom, our will and pleasure is, that a free general assembly be kept at Edinburgh the 6th day of August next ensuing, where we intend (God willing) to be personally present, and for the legal indiction whereof we have given orders and command to our council; and thereafter a parliament to be holden at Edinburgh the 20th day of August next ensuing, for ratifying of what shall be concluded in the said assembly, and settling such other things as may conduce to the peace and good of our native kingdom, and therein an act of oblivion to be passed.

And whereas we are further desired, that our ships and forces by land be recalled, and all persons, goods, and ships be restored, and they made safe from invasion, we are graciously pleased to declare, that upon their disarming and disbanding of their forces, dissolving and discharging all their pretended tables and conventicles, and restoring unto us all our castles, forts, and ammunitions of all sorts, 142
as likewise our royal honours; and to every one of our good subjects their liberties, lands, houses, goods, and means whatsoever, taken and detained from them since the late pretended general assembly, we will presently thereafter recall our fleet and retire our

land-forces, and cause restitution to be made to all persons of their ships and goods detained or arrested since the aforesaid time: whereby it may appear that our intention in taking up of arms was no ways for invading our own native kingdom, or to innovate the religion and laws, but mainly for the maintaining and vindicating of our royal authority.

And since that hereby it doth clearly appear that we neither have, nor do intend any alteration in religion and laws, but that both shall be maintained by us in their full integrity, we expect the performance of that humble and dutiful obedience which becometh loyal and dutiful subjects, and as in their several petitions they have often professed.

And as we have just reason to believe that to our peaceable and well-affected subjects this will be satisfactory, so we take God and the world to witness, that whatsoever calamities shall ensue by our necessitated suppressing of the insolencies of such as shall continue in their disobedient courses is not occasioned by us, but by their own procurement.

241 After this the following articles were signed:

I. The forces of Scotland to be disbanded and dissolved within eight and forty hours after the publication of his majesty's Declaration being agreed upon.

II. His majesty's castles, forts, ammunition of all sorts, and royal honours, to be delivered after the publication, so soon as his majesty can send to receive them.

III. His majesty's ships to depart presently after the delivery of the castles, with the first fair wind, and in the mean time no interruption of trade or fishing.

IV. His majesty is graciously pleased to cause to restore all persons' goods and ships detained and arrested since the 1st of November last.

V. There shall be no meetings, treatings, consultations, or convocations of his majesty's lieges, but such as are warrantable by act of parliament.

VI. All fortifications to desist, and no further work therein, and they to be remitted to his majesty's pleasure.

VII. To restore to every one of his majesty's subjects their liberties, lands, houses, goods, and means whatsoever, taken and detained from them by whatsoever means since the aforesaid time.

242 Next the commissioners signed the following note:

In obedience to his majesty's royal commands, we shall upon 143

Thursday next, the 20th of this June, dismiss our forces, and immediately thereafter deliver his majesty's castles, and shall ever in all things carry ourselves like humble, loyal, and obedient subjects.

Signed,

Rothes.	W. Douglas.
Dumfermline.	Al. Henderson.
Lowden.	Arch. Johnstown.

243 The treaty being thus ended, all parted with great expressions of joy. But few wise men expected it should be followed with a lasting agreement, the covenanters being peremptory not to part with a hoof, so that whatever concessions came not up to all their desires were not like to prove satisfactory. Those who understood not the true state of the English army, wondered that the king should have let this opportunity out of his hands, whereby they judged he was able to have broken and subdued Scotland. And according to the vulgar civility of all censurers of king's actions, his bad councillors bore the blame, whereof the far greatest share fell upon the marquis. But others, who saw beyond those superficial observers, acknowledged there was an equal temperature of wisdom and goodness in his majesty's concessions, not denying a proportionable share of the praise to his good councillors. The covenanters judged they had scaped well, who got off so easily; for it would have been impossible for them to have maintained the great bodies they had gathered together any longer, except they had marched into England, to which they had no mind unless forced by necessity. But some made another observation, though of less moment, yet not unpleasant, upon Mr. Henderson's signing the former paper, that it was strange to see a churchman who had acted so vigorously against bishops for their meddling in civil affairs, made a commissioner for this treaty, and sign a paper so purely civil: so strongly does passion and interest bias and turn men.

244 When the commissioners came back to the camp, they gave an account of their negotiation; and besides the articles of treaty, they produced another paper which passed among all for the conditions of the agreement. It was a note containing some points which were alleged to have been agreed to at

Berwick verbally, though not set down in the written treaty; which was made up of some downright mistakes, and of other things which the king in discourse had indeed said, but not positively, nor as a determination on which he had concluded. However the army made a declaration, that their accepting of the king's papers wherein the assembly of Glasgow was called *the pretended assembly* did not infer their accounting it so, which they could never do. Yet all the forces withdrew, most of them laying down arms, but still keeping in great bodies together; and a proclamation was 144
sent to the north to Montrose on the one side, and Aboyne on the other, to lay down arms (for all this while there had been a body of about two thousand that had stood for the king in Aberdeenshire, who were commanded by my lord Bamf, against whom my lord Montrose was sent): and these orders were obeyed by them both; and indeed they came in good time to Aboyne, otherwise he had been sore put to it.

245 On the 22nd of June the marquis was ordered to go to the castle of Edinburgh, and take possession of it in the king's name, and relieve the marquis of Huntley, and put Ruthwen (now created lord Estrick) in it; and also to furnish it with store of provision and ammunition out of the magazine in the navy: which being done, the fleet was to be sent out of the Frith. And accordingly on the 24th of June he came to Edinburgh, but he met with such reproaches and hootings from the vulgar, that he was forced (for preventing a tumult) to desire some of the covenanting lords to wait on him to the castle; and yet on the way he was all along cried out upon with most unworthy names, as *pirate, traitor, enemy to God and his country*, with other such-like invectives. These he could not but despise, though he was sensible of the dishonour put upon the king's commissioner by that usage: yet he might well have expected that it should have secured him from the jealousies and stories which were spread of him, as if he had been all that time so popular that he was looked upon as the chief friend of the good cause; which was as well grounded as the rest of these reports. But having executed the king's orders about the castle of Edinburgh, he left the earl of Traquair (whom with the earl of Roxburgh his majesty had

again received into his favour) to see the rest of the conditions fulfilled.

246 *The tables* continued to sit, pretending it was necessary they should do so till all were scattered. It is true, I have in my hands a copy of a warrant for them to sit till the 20th of July; but whether it was signed, I can neither assert nor deny.

247 Divers disorders fell out in Edinburgh, and Traquair met with many insolences, in one of which the white staff, which was carried by his servant before his coach, was pulled out of his hand; and complaint being made of this to the town-council of Edinburgh, all the reparation they offered was to bring my lord treasurer another white staff: so it was said they rated the affront put on the king in the person of his treasurer at sixpence.

248 Other insolences were also complained of, and the covenanters partly excused them, partly denied what was alleged; but no reparation was made. These disorders obliged his majesty to change his purpose of coming to Scotland in person, resolving to be present only by his commissioner.

249 The marquis returned to his majesty, and stated all that was to be thought upon for Scottish affairs in a paper presented to his majesty at Berwick the 5th of July, yet extant in these words:

250 To leave all that is past, the question is briefly,

Whether the assembly and parliament now indicted is fittest to be held or discharged?

If held, the success of the assembly will be the ratifying of what was done at Glasgow; or if that point be gained, yet certainly most of the acts that were made there will [be] of new enacted: nor is there 145
any hope to prevent their finding episcopacy to be abjured by their covenant, and the function against the constitution of their church.

This will be by the members of parliament ratified, and put to the king's negative voice; and if it be not condescended to by him, it is more than probable that his power even in that court and in that place will be questioned.

If it be discharged, nevertheless the assembly will be keeped by the rebels, and the same things done in it by them, and thereafter maintained by the generality of the kingdom: this consequently will bring alongst with it the certain loss of civil authority, and so ne-

cessitate the reestablishing the same by force, or otherwise the desertion of that kingdom.

So it is to be resolved on, whether it be fit to give way to the madness of the people, or of new to intend a kingly way?

If way be given to what is mentioned, it is to be considered in that case, if the king shall be personally present or not; if not present, who shall be employed, and how instructed?

If the kingly way be taken, what shall be the means to effectuate the intended end; particularly how money may be levied for the waging of this war, and if that be feasible without a parliament?

If a parliament, what the consequence may prove? So all may be summed up in this: whether to permit the abolishing of episcopacy, the lessening of kingly power in ecclesiastic affairs, the establishing civil authority in such manner as the iniquity of the times will suffer, and to expect better; and what will be the consequence of this if way be given thereto: or to call a parliament in England, and leave the event thereof to hazard and their discretions, and in the interim Scotland to the government of the covenanters?

251 This freedom declares how candidly he dealt with the king in all his counsels. It is true, he pressed the king earnestly to give way to the abolishing of bishops, judging that to be the only mean to bring Scotland again into order: but this was out of no other principle save his desire to see the king again enjoy the affections as well as the obedience of his subjects of Scotland; thinking episcopal government not so essential or absolutely necessary, as not to be parted with for a time in such an exigency, wherein the ruin of the king and kingdom was so manifestly threatened.

252 His majesty considering that God did not tie him to impossibilities, resolved, notwithstanding his conscientious adhering to episcopacy in England, to give way for some time to lay aside that government in Scotland, hoping to draw more good from it; but intended to employ another for executing it, knowing that his countenance and carriage would betray the discord was betwixt his heart and his actions, if he went himself: and being well satisfied with the marquis's behaviour, desired him to return to Scotland in the same character, and finish that business.

253 But he made use of all his forces both of reason, friendship, and interest, to divert the king from this, representing the

following reasons to dissuade him from it, in a paper presented the 8th of July, in these words:

254 If your majesty give way to the covenanters' demands, it would 146
be seriously considered which will be the fittest way to do it: if by your majesty's own personal presence, or by a commissioner: if yourself, I shall say in that case nothing in this paper; if by a commissioner, then give me leave humbly to represent to your majesty's consideration how unfit it is that I should be employed.

The hatred that is generally carried me, and in particular by the chief covenanters, will make them (hoping thereby either to ruin me, or at least make my service not acceptable) stand more peremptorily on these other points of civil obedience, which your majesty aims at, than they would do to one that is less hated.

II. Since they are the same men I have formerly treated with, who now again must be principally used, they cannot but find these particulars, which I have so often sworn and said your majesty would never condescend to, will now be granted: therefore they will give no credit to what I shall say thereafter, but will still hope and believe, that all their desires will be given way to, thinking, as they have often said, that I had power to condescend to more, but would not, that I might endear myself to your majesty, and be thought a deserving servant, in procuring more than you was content to accept of; and so will for this cause stand upon those points with me, which they would not do with any other, who they could not but believe would freely grant (to oblige them) all such things as he had power from your majesty to grant; and trust him when he said he could go no further, and so rather accept of that than adventure on a new breach.

III. The rage and malice of the people is such against me, that I am not only advertised, but advised from many amongst them, who pretend to love me, not to come into the kingdom employed as a commissioner; for it will be impossible for me to escape affronting, if I do with my life. I do not mention this out of a care to preserve it with the prejudice of your service, but I know your justice and goodness is such, that you would not suffer that injury to go unpunished, which would consequently bring alongst with it the losing of your majesty's end, of establishing this business in a peaceable way.

IV. If your majesty should longer continue me your commissioner, it would confirm in them the opinion which hath already possessed them that your majesty intends to govern that kingdom by a commissioner,

which is not more grievous to the covenanters than it is to the officers of state: whereas (on the contrary) if your majesty make choice of a new one, they will think it is only for the present service, and so rest both of them secure in that point; and your service consequently go the smoother on: for they will fancy, if it prosper in my hands, that then I may like the employment so well as I would not willingly quit it; but if it miscarry, then neither I nor any other would be desirous to undergo that charge, and so they be freed of a commissioner.

V. I am thought to have been a chief instrument in moving your majesty to resent their carriage in such sort as you have done: which will cause in them, for my sake, not only a dislike of all that shall pass through my hands, but even an undervaluing, or at least not that hearty acknowledgment of such favours as your majesty conferreth on them, which they would do if another were employed; whom they would endeavour to gain for their own ends, and hoping to make him theirs, would not only seem to be contented, but endeavour to make your majesty, the world, and himself, believe they were so. Whereas (on the contrary) they would be ever repining, and not give that obedient acquiescing, if I be continued, as otherwise would be if any other were employed. 147

VI. If your majesty should at this time continue me your commissioner, they would apprehend that I might resent the many particular injuries done me, and so be a mean to work them prejudice, if it were but to revenge myself, which will not only cause jealousy in them, but an earnest endeavouring to make me incapable to prejudice them; which cannot more easily be effected than by frustrating and crossing my intentions of serving your majesty: whereas if another be employed, they will not apprehend it to be in my power to prejudice them, and so be freed of that fear, and consequently give way to those things in another man's person, which they would not do if I be still employed.

VII. They know that I am so well acquainted with their ways and proceedings, and that my heart is so straight to your majesty's service, that I will not conceal any thing from you, either of their bypast actions or any thing that shall be done of new: whereas if your majesty employed another, they will be in hope that what is past is not so well known to him, and so will be forgot, or if remembered by me, it will serve to no end, I being out of place; and that perhaps he will be more sparing of speaking than I have been, or that he is to be gained to their party: for which end hoping he

may prove for the future useful to them, they may comply with him for the present in divers things which they would not do if I be continued.

VIII. There are so many of your majesty's subjects of all sorts whom I have persuaded to resist the ways of the covenanters to their great prejudice, that I shall be infinitely pressed by them to move your majesty for their relief, and I challenged of my promise, that whosoever suffered for that cause, your majesty would restore to the full to them, the doing whereof would draw on your majesty a great charge; and if they find it not performed to them by me continuing commissioner, it is probable they will then join with the covenanters: whereas if your majesty employ another, they will not know so well how to address themselves to him, nor be in despair of obtaining it hereafter, and so continue still in the way they are in.

IX. This work will make me (I fear) even lose your majesty's favour; for I know it is so odious to you, that I have cause to apprehend that you will not like the actor: or though your goodness will permit you to look upon him, because what he did was by your command; yet it may be imagined that your honour will oblige you not to seem to care for him. Sure I am of this, that whereas I am now perfectly hated by all your subjects who have withstood your majesty, (if it shall please you to lay this employment upon me,) I shall hereafter be, by all who wish prosperity to your affairs in both kingdoms; and where or how I may be called to an account for this undertaking, I know not: and a business of that nature I take it to be, that a pardon ought humbly to be begged before it be meddled in, seeing it is an act so derogatory to kingly authority.

Give me leave humbly to represent unto your majesty, if it be fit either for an honest man or a gentleman to be made the instrument of doing that which he hath so often in public and private condemned in so high a degree, and withstood to the certain loss of most of my country, and many of your majesty's court and kingdom of England. Nor can I ever hope to live without perpetual accusations of such who will find themselves grieved by that which will be done, for not dissuading your majesty from this course, or at least for accepting that employment, and proving your instrument therein. This I could enlarge, for much thereof I have already heard; but I have presumed too much: yet I hope your majesty will pardon me, since these arguments are (as I conceive) used for your service, the good of which 148
shall be ever preferred by me before either life or fortune; which I would willingly expose to all dangers rather than you shall be pleased

to lay this employment on me, for your majesty's affairs would be infinitely prejudiced thereby.

All which I humbly beseech you to take into your royal consideration.

255 There was too much justice in these reasons, and his majesty was too full of affection for him to press it any further; therefore the king made choice of his treasurer the earl of Traquair for the service, making account that if he served honestly it would do well; if otherwise, his majesty would have good reasen to shake him off. Upon this he was presently called from Scotland. The king also wrote for fourteen of the lords that were the chief covenanters to come and wait upon him at Berwick, that he might advise with them about the affairs in hand. But the true reason (as was believed) was to try what fair treatment might do with them. This gave great jealousies to the covenanters, who were not so blind as not to understand what the effect of this might prove. And indeed some studied to infuse worse jealousies, as if the design of calling for the lords had been to send them all prisoners to London. In end they resolved none should go, save three from each estate: the three lords were the earls of Montrose, Lowdon, and Lowthian; and Lowthian was the person who pressed them most to send any, for many had no inclinations to send at all.

256 But before they came to Berwick the king ordered the marquis by a warrant in writing, yet extant under his majesty's hand, to try what way he could gain upon them and discover the bottom of their intentions, how the estate of bishops should be supplied in parliament, and how far they intended to lessen the king's authority. The king also allowed him to use what means he pleased, and speak to them what he thought fit; not only authorizing, but requiring him to it, and warranting him if he were ever questioned or accused for it by any. Bearing date at Berwick the 17th of July, 1639.

257 It is easy from this to infer, both how entirely his majesty confided in him, and how unjust they are who upon any expressions he might then have used, offer injury to his memory: and yet he managed this so cautiously, that very little escaped him for which he could not have justified himself without this

order. But so tender was he of his majesty's reputation, that when he was afterwards charged for some hard speeches alleged to have been uttered at that time, in all his written defences he never made use of this justification; knowing how at that time it might have prejudiced his majesty's service, if it had been known that he gave such warrants to those he employed; reserving to whisper it in his majesty's ear when he should be admitted to his presence. And indeed till this appeared, the writer of these memoirs was not a little stumbled with some of his speeches then uttered, which were hard to be understood: for having them so near the fountain, he could scarce doubt his information: but this order reconciles the truth of these reports he had heard with the marquis's innocency.

258 The king was highly sensible of the affront put upon him, by hindering all he had called for to come to wait on him; yet he resolved to bear as far as human patience could go, and studied to gain upon the lords that came. The earl of 149
Montrose was much wrought upon, and gave his majesty full assurances of his duty in time coming; and upon that entered in a correspondence with the king. The other two were a little mollified, but not gained: only from them the marquis learned, that all the acts of parliament for episcopacy were to be abrogated by the next parliament, and that they designed to change the course of bringing in things to the parliament by the lords of the articles, as a prelimitation upon the parliament. Whereupon the next thing to be done was to draw Traquair's instructions, which was not done without great and long consultation, none being privy to it besides the marquis and Traquair himself. That which made the king so tender, was his zeal for episcopacy; but Traquair helped him out of all difficulties by telling him, that do the next parliament what it would, there were still good grounds to introduce episcopacy, whenever the king was able to carry it; for bishops being (by all the laws of Scotland) one of the three estates of parliament, no act that passed without them could have force in law, much less the act that abolished them, especially they not appearing or consenting to it, but protesting against it. This gave much ease to the king's thoughts, and so, on the 27th of July, Traquair's instructions

were signed, which follow as they are taken from a copy of them under the marquis's hand.

259 CHARLES R.

At the first meeting of the assembly, before it be brought in dispute who shall preside, you shall appoint him who was moderator in the last assembly to preside in this till a new moderator be chosen.

We allow that lay-elders shall be admitted members of this assembly: but in case of the election of commissioners for presbyteries the lay-elders have had voice, you shall declare against the informality thereof; as also against lay-elders having voice in fundamental points of religion.

At the first opening of the assembly you shall strive to make the assembly sensible of our goodness, that notwithstanding all that is past, whereby we might justly have been moved not to hearken to their petitions, yet we have been graciously pleased to grant a free general assembly, and for great and weighty considerations have commanded the archbishops and bishops not to appear at this assembly.

You shall not make use of the assessors in public, except you find you shall be able to carry their having vote in assembly.

You shall labour to your uttermost that there be no question made about the last assembly; and in case it come to the worst, whatever shall be done in ratification, or with relation to the former assembly, our will is, that you declare the same to be done as an act of this assembly, and that you consent thereunto only upon these terms, and no ways as having any relation to the former assembly.

You shall by all means shun the dispute about our power in assemblies; and if it shall be urged or offered to be disputed, whether we have the negative voice, or the sole power of indicting, and consequently of dissolving, except you see clearly that you can carry the same in our favours, stop the dispute; and rather than it be decided against us, stop the course of the assembly until we be advertised.

For the better facilitating of our other services, and the more 150
peaceable and plausible progress in all businesses recommended to you, we allow you at any time you shall find most convenient, after the opening of the assembly, to declare, that notwithstanding our own inclination, or any other considerations, we are contented for our people's full satisfaction, to remit episcopacy and the estate of bishops to the freedom of the assembly, but so as no respect be had to the determination of the point in the last assembly.

But in giving way to the abolishing of episcopacy, be careful that it be done without the appearing of any warrant from the bishops;

and if any offer to appear for them, you are to inquire for their warrant, and carry the dispute so, as the conclusion seem not to be made in prejudice of episcopacy as unlawful, but only in satisfaction to the people for settling the present disorders, and such other reasons of state: but herein you must be careful that our intentions appear not to any.

You shall labour that ministers deposed by the last assembly, or commissions flowing from them, for no other cause but the subscribing of the petition or declinator against the last assembly, be upon their submission to the determinations of this assembly reponed in their own places; and such other ministers as are deposed for no other faults, that they be tried of new: and if that cannot be, strive that commissions may be directed from this assembly for trying and censuring them according to the nature of their process.

That immediately upon the conclusion of this assembly you indict another at some convenient time, as near the expiring of the year as you can: and if you find that Aberdeen be not a place agreeable, let Glasgow be the place, and if that cannot give content, let it be elsewhere.

The general assembly is not to meddle with any thing that is civil, or which formerly hath been established by act of parliament, but upon his majesty's special command or warrant.

We will not allow of any commissioners from the assembly, nor no such act as may give ground for the continuing of *the tables* or conventicles.

In case episcopacy be abolished at this assembly, you are to labour that we may have the power of choosing of so many ministers as may represent the fourteen bishops in parliament; or if that cannot be, that fourteen others whom we shall present be agreed to, with a power to choose the lords of the articles for the nobility for this time, until the business be further considered upon.

We allow that episcopacy be abolished for the reasons contained in the articles, and the covenant 1580, for satisfaction of our people be subscribed, provided it be so conceived, that thereby our subjects be not forced to abjure episcopacy as a point of popery, or contrary to God's law or the protestant religion: but if they require it to be abjured as contrary to the constitution of the kirk of Scotland, you are to give way to it rather than to make a breach.

After all assembly-business is ended, immediately before prayers, you shall, in the fairest way you can, protest that in respect of his majesty's resolution of not coming in person, and that his instructions to you were upon short advertisement, whereupon many things may have occurred, wherein you have not had his majesty's pleasure, there-

fore, and for such other reasons as occasion may furnish, you are to protest, that in case any thing hath escaped you, or hath been condescended upon in this present assembly, prejudicial to his majesty's service, that his majesty may be heard for redress thereof in his own time and place.

We will not allow that either by the commissions already granted, nor upon no other bill or petition, any part of the burden of the charges of the last business be laid upon any of our good subjects, 151
who have stood by us and have refused to subscribe their bonds and covenants.

That you stop the signatures of the rights of Kintyre, Abbacy of Dear, Abbacy of Scoon, and generally all acts in favours of covenanters, so far as you can without stopping the ordinary course of justice: and you are to consider withal how his majesty's right to any of the aforesaids may be put on foot without making interruption to the present business in hand.

You shall take a course whereby the rents of all such bishoprics as are vacant be detained, and either by warrant of the incumbent or by demission may be collected: and when any person shall be provided to these benefices so vacant, our will is, that you take the same course with the rents of these, as by these we do command you to do with the rest of the rents of the bishoprics of Scotland; which is this, to cause draw up a formal assignation to the whole rents, fruits, customs, &c. belonging to the bishopric, whereof they are bishop, to be subscribed by them to and in our favour, upon return whereof to you, you shall give power and commission to such persons as you shall receive under every one of their hands, to collect and intromet with the aforesaid rents of the several bishoprics, and to deliver and be accountable to you for the same; and upon your receipt thereof, you are to issue them out immediately again to the aforesaid bishops, or any having their warrant to that effect.

You shall hear the complaints or petitions of any of our subjects, or against any of our subjects, but such as you know to be sufferers for refusing to join with the covenanters in the covenanting way; and you shall protect all such persons by all the fair ways you can, and particularly sir John Hay and sir Robert Spottiswood.

If any thing occur either in civil or ecclesiastical judicatory, wherein you have not our express will and pleasure signified unto you, wherein you see clearly our royal and princely power and authority prejudiced, we will you to acquaint us therewith before any proceeding be made.

You shall pay weekly for defence of our castle of Edinburgh an

hundred soldiers at eightpence per diem, besides the English gunners and artificers, at the rates set down by the marquis of Hamilton. And as for Ruthwen himself, you shall assign him the rents of the castle; and you shall likewise keep a competent number of workmen for completing the fortifications already begun, and shall withal provide the castle with six months' victuals for the foresaid number of soldiers and other officers.

And as for Dumbriton, you shall pay for the defence thereof soldiers at eightpence per diem to the number of forty: allowing the rents and other customs thereof for paying the captain and other officers.

At Berwick the 27th of July, 1639.

260 These were the instructions given the earl of Traquair, of which the marquis wrote to a covenanter, that if they were not worse than devils they would rest satisfied.

MEMOIRS

OF THE

LIFE AND ACTIONS

OF

JAMES DUKE OF HAMILTON.

BOOK III.

Of what passed after the marquis laid down his commission till July 1642.

AND now I am come to a period in the series of the marquis's public actings for this turn, after which for some years he continued at court under the private character of a councillor much in his majesty's favour; it cannot be therefore expected, that henceforth the accounts of Scottish affairs should be enlarged to the former fulness, since it is the marquis's story, and not Scotland's, that is undertaken to be written: neither are the materials so copious, as to bear the writer through all particulars, were he so bold as to adventure on them. Therefore all that shall be henceforth offered of public affairs shall be only to give the reader such a clear prospect of the state of them, that when the marquis shall again appear in business, his following actions may hang together with his former; yet the writer will not so sullenly confine himself to a general account, but when any particulars occur wherein he is authentically informed, he will truly represent them.

2 My lord of Traquair waited upon his majesty to Whitehall, whither the king came in the beginning of August: and on the 6th his commission was signed, and himself despatched to Scotland. On his way he was ordered to deliver the following

letter from his majesty to my lord S. Andrew's, (who was then at Newcastle,) in answer to an address made by the bishops to my lord of Canterbury to get the assembly prorogued. It was penned by the marquis, as appears by the *brovillon* of it yet extant, and interlined in some places by my lord of Canterbury.

3 CHARLES R. 154

Right trusty and well-beloved councillor, and reverend father in God, we greet you well.

Your letter, and the rest of the bishops, (sent by the elect of Caithnes,) to my lord of Canterbury, hath been shewn by him to us; and after serious consideration of the contents thereof, we have thought fit ourself to return this answer to you, for direction according to our promise, which you are to communicate to the rest of your brethren.

We do in part approve of what you have advised concerning the prorogating of the assembly and parliament, and must acknowledge it to be grounded upon reason enough, were reason only to be thought on in this business; but considering the present state of our affairs, and what we have promised in the articles of pacification, we may not (as we conceive) without great prejudice to ourself and service, condescend thereunto: wherefore we are resolved, nay rather necessitated, to hold the assembly and parliament at the time and place appointed. And for that end we have nominated the earl of Traquair our commissioner, to whom we have given instructions, not only how to carry himself at the same, but a charge also to have a special care of your lordships, and those of the inferior clergy, who have suffered for their duty to God and obedience to our commands. And we do hereby assure you, that it shall be still one of our chiefest studies, how to rectify and establish the government of that church aright, and to repair your losses, which we desire you to be most confident of.

As for your meeting to treat of the affairs of the church, we do not see at this time how that can be done; for within our kingdom of Scotland we cannot promise you any place of safety, and in any other of our dominions we cannot hold it convenient, all things considered: wherefore we conceive that the best way will be for your lordships to give in, by way of protestation or remonstrance, your exceptions against this assembly and parliament to our commissioner, which may be sent by any mean man, so he be trusty, and deliver it at his entering into the church; but we would not have it to be

either read or argued in this meeting, where nothing but partiality is to be expected, but to be represented to us by him, which we promise to take so in consideration, as becometh a prince sensible of his own interest and honour, joined with the equity of your desires: and you may rest secure, that though perhaps we may give way for the present to that which will be prejudicial both to the church and our own government, yet we shall not leave thinking in time how to remedy both.

We must likewise intimate unto you, that we are so far from conceiving it expedient for you, or any of my lords of the clergy, to be present at this meeting, as we do absolutely discharge your going thither, and for your absence this shall be to you and every one of you a sufficient warrant. In the interim, your best course will be to remain in our kingdom of England, till such time as you receive our further order, where we shall provide for your subsistence, though not in that measure as we could wish, yet in such a way as you shall not be in want.

Thus you have our pleasure briefly signified unto you, which we doubt not but you will take in good part: you cannot but know, that what we do in this we are necessitated to. So we bid you farewell.

Whitehall, Aug. 6, 1639.

4 This letter being delivered to the bishops by the king's 155
commissioner, they signed the following declinator, and put it in his hands:

Whereas his majesty out of his surpassing goodness was pleased to indict another national assembly for rectifying the present disorders in the church, and repealing the acts concluded in the late pretended assembly at Glasgow, against all right and reason; charging and commanding us, the archbishops and bishops of the church of Scotland, and others that have place therein, to meet at Edinburgh the 12th of August instant, in hopes that by a peaceable treaty and conference matters should have been brought to a wished peace and unity; and that now we perceive all these hopes disappointed, the authors of the present schism and division proceeding in their wonted courses of wrong and violence, as hath appeared in their presumptuous protestation against the said indiction, and in the business they have made throughout the country, for electing ministers and laics of their faction to make up the said assembly; whereby it is evident, that the same or worse effects must needs ensue upon the present meeting than were seen to follow the former.

We therefore, the under-subscribers, for discharge of our duties to God and to the church, committed to our government under our sovereign lord the king's majesty, protest, as in our former declinator, as well for ourselves as in name of the church of Scotland, and so many as shall adhere to this our protestation, that the present pretended assembly be holden and reputed null in law, as consisting and made up partly of laical persons that have no office in the church of God, partly of refractory, schismatical, and perjured ministers, that contrary to their oaths and subscriptions, from which no human power could absolve them, have filthily resiled, and so made themselves to the present and future ages most infamous: and that no churchman be bound to appear before them, nor any citation, admonition, certification, or act whatsoever, proceeding from the said pretended meeting, be prejudicial to the jurisdiction, liberties, privileges, rents, possessions, and benefices belonging to the church, nor to any acts of former general assemblies, acts of council, or parliament made in favour thereof: but to the contrary, that all such acts and deeds, and every one of them, are and shall be reputed unjust, partial, and illegal, with all that may follow thereupon. And this our protestation we humbly desire may be presented to his majesty, whom we do humbly supplicate, according to the practice of Christian emperors in ancient times, to convene the clergy of his whole dominions, for remedying the present schism and division, unto whose judgment and determination we promise to submit ourselves and all our proceedings.

Given under our hands at Morpeth, Berwick, and Holy-Island, the 10th and 11th of August, 1639.

Signed,

St. Andrews. Wal. Brechinen.
Da. Edinburgen. Ja. Lismoren.
Jo. Rossen. Ad. Aberdon.
Th. Galloway.

5 When my lord Traquair came to Scotland, he found all the 156
conditions of the treaty violated, the fortifications of Leith continued, the forces not all disbanded, Lesley keeping up still the character of general, besides many other particulars.

6 After his coming to Edinburgh, the assembly was held there about the middle of August, but they had not remitted any thing of their fervour: only in renewing the last year's acts, they were contented not to mention the assembly of Glasgow; magnifying that as a high condescendency, not con-

sidering how disproportioned it was to the great concessions made by his majesty. Neither were they content with discharging the use of the Service-book and Book of Canons, but would needs tax them of popery, and the high commission of tyranny. Like to these were their narratives of annulling the general assemblies held by king James, and of abolishing episcopacy, of which my lord Traquair gave his majesty an account; and the following answer was sent from his majesty. But one difference of the king's usage of the marquis from what he gave his other commissioners, is, that to him he wrote his orders all with his own pen; but to others he wrote by another pen, only superscribed the letters himself. And in his letters to Traquair, he employed the marquis for his secretary. The king's letter follows, taken from the marquis's copy, bearing date the 20th of August.

7 CHARLES R.

Right Trusty,

We have hitherto commanded Hamilton to answer several of your letters; but that of the 16th of August being of more weight than any of your former, we have thought fit to answer it ourself.

And whereas you say that nothing will satisfy them except *in terminis* the last assembly be named and ratified, or that way be given to the discharging episcopacy as abjured in that church, as contrary to the confession of faith 1580, and the constitutions of the same, you being yet in some hope that the word *abjured* may be got changed, and that in drawing up the words of the act it be only condemned, as contrary to the constitution of that church; we in this point leave you to your instructions, they being full, if you consider what we have said concerning episcopacy, and subscribing the confession of faith 1580: we thinking it fit to declare hereupon unto you, that, let their madness be what it will, further than we have declared in our instructions in these points we will not go.

For the Service-book and Book of the Canons, though we have been and are content it be discharged, yet we will never give our voice nor assent that they be condemned as containing divers heads of popery and superstition. In like manner, though we have been and are content that the high commission be discharged, yet we will never acknowledge that it is without law, or destructive to the civil and ecclesiastical judicatories of that our kingdom, nor that the five articles of Perth, though discharged with our approbation, be condemned as contrary to the foresaid confession. As concerning the

late assemblies, we cannot give our consent to have them declared null, since they were so notoriously our father (of happy memory) his acts: it seeming strange, that we having condescended to the taking away all these things that they complained of, which were done in those assemblies, they will not be content therewith, without 157
laying an aspersion on our father's actions. Wherefore if the assembly will in despite of your endeavours conclude contrary to this, you are to protest against their proceedings in these points, and be sure not to ratify them in parliament.

Concerning the yearly indicting of general assemblies, and the confession of faith, we commanded Hamilton in his of the 16th to answer that point to this effect: that we think it infinitely to our prejudice that we should consent to tie ourself for the keeping yearly of their assemblies, not needing to repeat the reasons, they being well enough known to you; seeing at Berwick it was conceived, upon debate of that point, that your having power to indict a new one within the year would save that dispute, which you are by all means to eschew. But if this will not give satisfaction, you are by no means to give your assent to any such act, nor to ratify the same in parliament.

The article in your instructions which is only that the covenant 1580 shall be subscribed, you must have an especial care of, and how you proceed therein: that the bond be the same which was in our father's time, *mutatis mutandis:* and that you give your assent no other ways to the interpretations thereof than may stand with our future intentions, well known to you: nor is the same otherwise to be ratified in parliament.

Thus you have our pleasure fully signified in every particular of your letter, which you will find no ways contrary to our resolution taken at Berwick, and our instructions given to you there. But if the madness of our subjects be such, that they will not rest satisfied with what we have given you power and authority to condescend to, which, notwithstanding all their insolencies, we shall allow you to make good to them, we take God to witness, that what misery soever shall fall to that country hereafter, it is no fault of ours, but their own procurement. And hereupon we do command you, that if you cannot compose this business according to our instructions, and what we have now written, that you prorogue the parliament till the next spring; and that you think upon some course how you may make publicly known to all our subjects what we had given you power to condescend to. And because it is not improbable that this way may produce a present rupture, you are to warn and assist Ruthwen for

the defence of the castle of Edinburgh, and to take in general the like care of all our houses and forts in that kingdom; and likewise to advertise all such who are affected to our service, that timeously they may secure themselves. And so we bid you heartily farewell.

8 The greatest point gained in the assembly was an explication of the bond of defence, which was conceived in these words:

We do swear not only our mutual concurrence and assistance for the cause of religion, and to the uttermost of our power, with our means and lives, to stand to the defence of our dread sovereign and his authority, in the preservation and defence of the said true religion, liberties, and laws of this kirk and kingdom; but also in every cause which may concern his majesty's honour, we shall (according to the laws of this kingdom, and duties of good subjects) concur with our friends and followers in quiet manner or in arms, as we shall be required of his majesty's council, or any having his authority.

9 The clause about episcopacy was worded, *that it was unlawful in this church.* Upon this the covenant was presented to the commissioner and council on the 30th of August, with a desire that it might be signed, and it was accordingly done; which was received with great joy, witnessed by bonfires and ringing of bells, and all the pulpits and streets were full of Traquair's praises. But his majesty was no way satisfied with this, as appears from the following letter: 158

10 Charles R.

Right trusty, &c.

Your letter of September the 27th to Hamilton we have seen, and think fit to return answer thereunto ourself; and the rather, because we find by yours that some points in the former letter were not so fully expressed, but that you desire more clear answers. First you say, that in all your directions it is condescended, that by act of assembly episcopacy should be declared unlawful in this kirk; and that by all the capitulations of agreement and instructions given to you, that same is allowed to be ratified in parliament upon the foresaid terms agreed upon in the assembly. In this point we must tell you that you are much mistaken; for though you have power for giving way to the abolition of episcopacy, as contrary to the constitutions of the church of Scotland; yet you will not find, either in your instructions or any other direction since sent you, that we have consented to declare the same unlawful: we making a great difference

therein, for many things may be contrary to the constitutions of a church which of themselves are not simply unlawful; for whatsoever is absolutely unlawful in one church cannot be lawful in the other of the same profession of religion, but there may be many several constitutions, and yet they all lawful. Therefore if I do acknowledge or consent that episcopacy is unlawful in the church of Scotland, though, as you have set it down in your consenting to the act, the word *unlawful* may seem only to have a relation to the constitutions of that kirk; yet the construction thereof doth run so doubtfully, that it may be probably inferred, that the same function is acknowledged by us to be unlawful in any other churches in our dominions. Therefore as we totally disapprove of your consenting to the word *unlawful*, as well to the function as civil places and power of churchmen, in the act of the general assembly; so we absolutely command you not to ratify the same in these terms in the parliament, but only as contrary to the constitutions of that kirk; and to declare that we ratify this act merely for the peace of the land, though otherwise in our own judgment we neither hold it convenient nor fitting; which you are to declare at the ratifying of the same. And for the rest of your declaration in the assembly, to be registered in the books of council, for brevity's sake we send you herewith a copy of the same, as likewise that of the covenant, interlined in those places which we disapprove of, and conceive to be the contrary to your instructions, and some other directions.

As we have formerly written to you, we cannot consent to the rescinding any acts of parliament made in favour of episcopacy; nor do we conceive that our refusal to abolish those acts is contradictory to what we have consented to, or to that we was obliged to: there is less danger in discovering any future intentions of ours, or at the best letting them guess at the same, than if we should permit the rescinding those acts of parliament which our father with so much 159
expense of time and industry established, and which may hereafter be of so great use to us. And though it should perhaps cast all loose, (as you express,) yet we take God to witness, we have permitted them to do many things in this assembly, for establishing of peace, contrary to our own judgment. And if on this point a rupture happen, we cannot help it; the fault is on their own part, which one day they may smart for. So you have in this point our full resolution.

We likewise wrote formerly to you, that we thought it not fit at this time that the power of the lords of the articles should be defined, and that you are to avoid the same, and to be sure not to con-

sent thereunto. Now your last letter gives us ground to repeat the same again, and to declare to you, that we remain in our former opinion.

And whereas you say, that it is to no purpose to vex us with all the indiscreet and mad propositions that are made, since they go about not only to reform all pretended abuses, of what nature soever, but to constitute and define the power of all judicatories from the highest to the lowest, and that you are like to agree in few or none of the general acts: if you find that what we have commanded you to do is likely to cause a rupture, their impertinent motions give you a fair occasion to make it appear to the world that we have condescended to all matters which can be pretended to concern conscience and religion; and that now they aim at nothing but the overthrow of royal authority, contrary to all their professions, which we can neither with honour nor safety suffer. And therefore we hope and expect, that if a rupture happen, you will make this appear to be the cause thereof, and not religion, which you know not only to be true, but must see it will be of great advantage to us, and therefore must be seriously intended by you.

We have no directions of new to give you, concerning the marquis of Huntley, sir Donald Mackdonald, or any others to whom malice is carried for their zeal for our service, but again recommend them to your care.

What hath passed betwixt yourself and the earl of Argyle, we have heard nothing of; but we are easily induced to believe that what you wrote of his undutiful carriage is true, and that you will easily make it appear, to which we will give no unwilling ear.

Thus you have your last letter answered, with what for the present and on such a sudden hath come into our thoughts: and so we bid you farewell.

Whitehall, Octob. 1, 1639.

11 The parliament sat at Edinburgh the day appointed, but their actings can only be overly related, they being too remote from the marquis's story; so that only such generals are to be hinted as occur among his papers. They consented that for that time Traquair (as commissioner) should name those lords of the articles that were for the nobility, who should have been named by the bishops; but protested it should be no precedent for the future. And they went roundly to take away the lords of the articles totally, and were framing all their acts at the rate of the assembly. But Traquair,

finding he could not hold pace with them, and keep close to his instructions, to the letter of which he resolved to adhere, did on the 30th of October prorogue the parliament to the 14th of November next. The covenanters, though they resolved not to sit till the day to which it was prorogued, yet protested against the legality of any prorogation without consent of parliament, and sent up the earls of Dumfermline and 160
Lowdon with the acts of the assembly to the king, desiring he would order his commissioner to give way to their ratification in parliament, as also to purge themselves of any misrepresentations the king might have received of their actions.

12 They came to London on the 8th of November: but his majesty resolved not to see them, since they came from Scotland without his commissioner's warrant; wherefore they were commanded presently to return home. They sent a letter to the marquis, (for he would not see them,) desiring him to interpose for procuring them a hearing, and that they might not be condemned unheard; whose answer was, that the order which the king had sent them was upon mature deliberation, and that nothing remained for them but obedience: so they returned. And the king ordered Traquair to prorogue the parliament (proroguing and adjourning are all one in Scotland) to the 2d of June next, and to come up and give an account of affairs: which accordingly he did, but got a cold reception, the king being highly displeased with his subscription of the covenant, as was before marked. But he complained that he could have no assistance from them to obtain any thing if he had not done that, and that it was impossible to prevail with these people, except by force or by a total compliance. The bishops failed not to take advantage at this trip of his, to pursue him with much eagerness, and he to recover himself was the more earnest to press the king to a new invasion; assuring him that Ruthwen was so strong in the castle of Edinburgh, that he would teach them their duty, and was very formidable to them. He also furnished the king with a great many grounds for justifying his following procedure against them; a chief one being a letter he had got, which the covenanters had written to the French king, desiring his protection and assistance, which was high treason by the law of Scotland, as being a treaty

with a foreign prince without the king's permission. And upon these grounds it was that the earl of Traquair was afterwards pursued as the grand incendiary.

13 The marquis saw there was too much ground for his majesty's resentments, either to contradict or condemn them; but that which grieved him was, that he saw not a way how his majesty should be able to defray the expense of a war without calling a parliament in England, which was no less formidable to the court than the covenanters in Scotland, they foreseeing what followed.

14 At this time the covenanters sent up their petition to his majesty by one Cunningham, desiring permission to send some of their number for their own vindication: which his majesty granting, the earls of Lowdon and Dumfermline were again sent up. But Lowdon, being accused of that letter to the French king, was committed to the Tower. Yet he vindicated himself; first, that the letter was not finished, and had neither date nor direction, since that which was on the back of it (*Au Roy*) was added afterwards, and by another hand; next, that it was written before the pacification, and so was buried by the oblivion; that it was never sent, and that it was designed only that the French king should interpose and mediate for them. Upon all this he offered himself to a strict trial by his peers in Scotland: but added, that he being sent by the states of Scotland, and come upon his majesty's warrant, was first to be returned a freeman thither, and thereafter to be accused and tried. This accident troubled the 161
marquis extremely, for he knew it would raise clamours against his majesty's justice, among those who were inclined to misconstrue his actions: and indeed it was highly resented by the Scottish lords, as a violation of the law of nations to meddle with any public messenger: but the king judged no consideration could warrant his subjects to commit treason, nor secure them from trial and censure when found guilty. There were some ill instruments about the king, who advised him to proceed capitally against Lowdon, which is believed went very far; but the marquis opposed this vigorously, assuring the king, that if that were done, Scotland was for ever lost. They would then have somewhat to pretend against so much as petitioning and treating: besides, it was against the

laws of Scotland to proceed against a Scottish peer for a crime committed in Scotland, but by the peers of Scotland. And after all this he assured his majesty that he knew few of the covenanters who might be more able to serve the king's interest, and could be more easily gained, than Lowdon. And the truth was, that letter was signed by six of the covenanting lords, but being put in the hands of the lord Maitland to sign it, (as he told the writer,) he found it was false French; and so it was laid aside for that time, and never again taken into consideration: but one taking up the letter brought it to Traquair. His majesty, being of himself both just and good, did reject those cruel counsels, as hurtful to his service: yet Lowdon continued prisoner for some months: his enlargement shall be mentioned in its proper place.

15 But how to proceed in the public affairs was a hard chapter. Which way the counsels were taken this winter doth not appear to the writer but from the effects. Only the marquis was full of apprehensions, foreseeing that it would be impossible for the king to do much without a parliament in England, and subsidies granted by it; but they had reason to think the parliament would begin with grievances before they went to subsidies; and if their inquiring into the former proved long and fierce, as it would protract the king's supply, it might also breed irritations and heats, and end in a rupture, without relieving the king. Neither could much be expected from a loan of money: most of the cities (London especially) were not well affected to the court, and so were like to prove backward and narrow; and all might be promised from that, was, to put off one summer: but the Scottish storm was like to lie longer. Besides, he believed that if the loan of money went through, the Scots would think that a good reason for their entering into England, to make the northern countries the seat of the war, which would prejudice the king's service in England. All this he foresaw well, and therefore was racked with perplexity: only he was not doubtful what to do himself, resolving to follow the king's interests on all hazards: and in these consultations this year ended.

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16 In Scotland they begun again to prepare for a new war: and the ministers this year were likewise very busy, taxing the king, as having violated the late pacification, because way was not given to all their acts. Besides, it was preached in the very pulpits of Edinburgh, that the king had caused burn at London, by the hand of the hangman, the articles of the treaty at Berwick. This was founded on the censure was put on the paper spoke of last year, which they gave out as the conditions of agreement; and was burned by order of the council of England, upon the declaration made by all the English lords who were on the treaty, that no other articles were agreed upon beside the seven above mentioned: yet this took with the people. Next, they laid on great taxes for paying the last year's debts, and defraying the expense this year was like to draw on: and for procuring of money, they fell on a new device, to cause the ministers exhort all to lend liberally for the service of the cause; which they did with so much art and zeal, that the women came and brought in their jewels, rings, and plate. However, much money was not got that way, and all was far short of what they needed: therefore divers of the most zealous of the lords, chiefly the earls of Rothes and Cassils, did give bonds for great sums of money, and one Dick, a rich citizen of Edinburgh, was got to lend them many thousand pounds.

17 In February the earl of Sterling the secretary died, for whose place the king made choice of the marquis's brother, lord William, whom he created earl of Lanerick. It was indeed the king's choice, for neither had the marquis moved it nor himself pretended to it. The earl of Lanerick did act so considerable a part in affairs after this, that methinks their history should be as little divided, as their counsels and affections for the king's service were: and therefore as Lanerick's actions come in my way they shall not be passed over in silence. Being made secretary, his first care was to inform himself of all that belonged to his place and duty, in the discharge whereof he resolved neither to spare labour or industry, that thereby he might supply the defect of his years, which were then but four and twenty.

18 But to go on with the series of the story, the king went on carefully with his preparations: only the charge of a fleet was so great, that he could not think of it this year, but sent out as many ships as stopped the Scottish trade. And finding how ill he had been served by his lieutenant-generals the former year, and confiding both in the valour, fidelity, and conduct of the earl of Strafford, then lord-lieutenant of Ireland, he was called over to be lieutenant-general in this expedition: and the marquis was designed colonel of the king's regiment of guards.

19 In Scotland they were gathering money, bringing in more arms, and fortifying suspected places, few resisting them, except Huntley in the north and Niddisdale in the south; but the latter was able to do little. The marquis had divers letters from my lord Lindsay, which are yet extant, complaining of the preparations they heard were making against them: that officers for the army were already named, money was gathering; not only Berwick and Carlisle were fortified, but Edinburgh castle and Dumbriton also had new men put in them, and Englishmen were put in the former; where- 163
upon they were forced to resolve on hazarding the utmost for the defence of religion and liberties, and that all were contributing very liberally, and knew of good friends, both in England and abroad; wherefore he assured him, if things went to extremities, they would not end so well as they did last year. And he besought him that he would prove a good instrument betwixt the king and the country, protesting, that for his own part nothing next to religion went so near his heart as the king's service. In end, he conjured him not to accept of any new service, if it went to an open breach, assuring him he would be ruined if he did; telling him that God had provided a relief for them beyond their expectation. The marquis carried all these letters, as he got them, to his majesty, and by his command wrote the following answer:

20 My Lord,

I received yours of February, wherein you endeavour to let me see the hazard that his majesty may run, if he take not a peaceable course with his subjects of Scotland, which you say I am reported to be no adviser of; as likewise the unavoidable ruin that will befall me, in case of my accepting of any employment against them.

The arguments that you use are, the resolutions of your own people, and the assistance that you will have elsewhere, the particular way you forbear to write; yet you say, that God hath provided it beyond your expectation; and as it was beyond your expectation, so it is still beyond my belief. My reasons you shall have anon. But first I will say somewhat concerning myself.

Know then, brother, for a truth, that I heartily pray a curse may follow him and his posterity that doth not endeavour and wish that these unhappy troubles may be composed in a fair and peaceable way. God, who knoweth the secrets of all men's thoughts, can bear me record, with how much care, pains, and zeal I have endeavoured that; and I promise you, I shall as faithfully continue in that course as ever man did in any resolution which was with reason grounded in his heart: how few either believe or know this, I care not, for I have laid my account long since, and am resolved on the worst that can befall me. And for your further satisfaction, know, that nothing can grieve me more in this world than to be sent in any hostile manner against my friends, kindred, and country; where at the best, though I may merit something from his majesty, (to whose goodness I owe much besides the duty of a subject,) yet I shall never be called other than the destroyer of them; and what cause of sorrow this will be to a kind-hearted Scotchman, I leave you to judge. Therefore I assure you, that if either my industry, entreaties, nay prayers, prevail, no such charge will be imposed on me, my inclinations having always led me in this rather to follow your advice, and absent myself, in case things come to the worst, than to accept of that employment; though I must tell you, it may bring along with it his majesty's displeasure, and so, consequently, certain ruin. Yet I do intend to put that to the hazard, and if it happen, I will have the vanity to say, it will neither prove advantageous to the country, nor to those in it, who once did me the honour to esteem me their friend. To conclude this point, consider, if a navy come, probably I must be miserable; for what can I gain by it? if employed, a discontented life ever hereafter. If the king should impose the charge on me, and I refuse it, what the better would you be? an abler would be employed in it, and I need never look for his majesty's favour thereafter, and without that in his 164
kingdom will I never live. If I had no other reasons but these, (but I could write you forty more,) consider if I have not cause to endeavour peace, and, believe me, I will do it.

For the danger that his majesty will run if he enter into this war, I do acknowledge with you it may be great; but that certain ruin

must follow, I cannot confess: yet I must say, that his gain will be but small, when he hath got that by force which is his, or ought to be his already. But what remedy? He conceiveth a kingdom to be lost, and two will be hazarded to regain that, if they continue in the course they are in.

For the assistance you mention God hath provided for you elsewhere, that is conceived to be used as an argument to fright us: for from whence can it come?

From a party in England? Trust not to that, nor give credit to a few factious spirits, with whom perhaps correspondence may be kept.

From France? Reason and the knowledge of their affairs make us confident, that no great matter can come from thence: reason, for they will not assist the rebels (for so you will be called) of a king for example's sake; and the necessity of their affairs, for we know they have enough to do elsewhere.

From Sweden? Though they perhaps be willing, yet it is known they have not men to do it in these parts.

From Holland? The body of that estate hath by their public ministers disallowed your actions, and hath given assurance that they will be far from either giving countenance or assistance to you: what private men may do by way of stealth, is little regarded or to be esteemed.

Thus I freely write what is thought of the assistance you are like to get from abroad, of which opinion I shall still be, unless you can make it more clearly appear. Therefore I will use the old proverb to you, *Beware that your stout hearts make not your heads dry a gutter*, and make you neglect the receiving of his majesty's pleasure with all thankful obedience, which, for any thing I know, nay I durst swear, will be no other than stands with the true protestant religion and the laws of the kingdom. What pity is it then that these mistakes should continue? but how much more will it be, that they should increase to a bloody war! If all amongst you would rightly consider what true religion and piety is, and lay that only before their eyes, there are yet not only good hopes but certain assurances of a peaceable conclusion of those unhappy troubles; and as you have advised me, so let me you, (which perhaps may be the last time that on this subject I shall write to you,) endeavour peace, which if gained, the effusion of much Christian blood will be saved, the country preserved, Scotchmen esteemed valiant, just, and loyal, not only in this kingdom, but through all Europe, and no man happier than

Your now much troubled and affectionate brother,

HAMILTON.

P.S.—For answer to your postscript, I am not in despair but to bring it to a good pass, if your own carriage do not mar it; for his majesty is content to sign the signature, but it is to remain in my hands, and not to be delivered except your carriage do deserve it, 165 as well as Crawford's, who knows not as yet how far his majesty hath condescended. This letter is not fit to be long keeped, therefore it will not be amiss it be burnt. Let me hear from you with the first occasion, and thereafter I care not how seldom, if matters come to the worst.

Since the writing of this, the letter which Rothes wrote to the chamberlain by Dumfermline was this day publicly read at council-board, his majesty being present: it hath produced contrary effects to what (I believe) he expected, for not only doth the chamberlain swear that there is not one true word in it, but hath beseeched his majesty that Rothes may be called to an account for the traducing of him in so high a nature, (to use his own words,) nay to make him (if it were in his power) appear to be *a greater traitor than himself.* In a word, the whole table was much scandalized with the letter, and no ways satisfied with the writer of it, even though it had been all as he expressed.

I profess I have loved Rothes, and am sorry when any misfortune befalls him; and likewise I thought fit to mention this, that you may see what those of this country will do when it comes to an issue; therefore I hope not only he but the whole country will take example by this, and grow wise while there is time.

21 This letter he carried to the king, and at the end of that copy he retained, yet extant, his majesty with his own hand wrote,

I have perused this letter, and have not only permitted, but commanded that it should be sent.

Whitehall,
2 March, 1639. CHARLES R.

22 This is set down to shew what his correspondence with his nearest friends was, and how warranted by his majesty.

23 But that the reader may not be wholly in the dark about the grounds of this confidence the covenanters had, I shall set down what I had from some persons of great honour, who were fully informed about it. When the earls of Dumfermline and Lowdon came to London, a person of quality of the English nation (whose name is suppressed because of the infamy of this action) came to them, and with great vehe-

mence pressed them to engage in a new war, and among other motives brought them engagements in writing from most of the greatest peers of England, to join with them, and assist them when they should come into England with their army. This did much animate them, for they had not the least doubt of the papers brought them. But all this was discovered at the treaty of Rippon to have been a base forgery: for there the Scottish lords looking very sullenly on some of the English lords, as on persons of no faith or truth, the lord Mandevil came to the earl of Rothes, and asked the reason of that change of their countenance and behaviour in them, who, after some high reflections, at length challenged him and the other lords of not keeping what they had engaged to them. Upon which that lord stood amazed, and told him, and so did the other lords there, that they had sent no such messages nor papers to them, and that they had been 166
abused by the blackest imposture that ever was. Thus it appeared how dangerous it may be to receive some things that seem to have the highest probabilities in them easily and upon trust.

24 In April following the king called a parliament in England; but they begun with their grievances, in which they rose to so high a strain, that after twenty days sitting the king by advice of his council dissolved them: but the hopes of money from the parliament failing, the next course was to try what could be drawn by loan; and for good example the councillors subscribed for near two hundred thousand pounds sterling. What the marquis's part was in this I should have willingly concealed, judging fit that his story should be as sparing in relating it, as himself was modest in not boasting of it: but Sanderson, and some other malicious or ignorant pens, who say, *that he pretended poverty, and subscribed for none*, force me to free him of that calumny, by a true relation of what his duty to the king cost him at this time. He subscribed for ten thousand pound sterling, and laid down eight thousand of it presently in gold: likewise in August following at York he again subscribed, and laid down six thousand and three hundred pounds: for both which he had tallies struck. Besides this, when he served as commissioner in Scotland in the year 1638, he got no payments made him; ten thousand

pounds sterling was allowed him, of which he had not received a farthing: and besides the great expense he was at in that service, he laid that year out of his own money about five thousand pounds sterling on the king's account. And thus in the space of four years he advanced to the king near thirty thousand pounds sterling, and this was in a time when the advantages he had by his places and pensions were (through the necessity of the king's affairs) dried up.

25 But since I was forced to say this, I must not conceal his majesty who now reigns his justice and goodness to his heiress, in repaying the sum contained in those tallies, together with the other royal effects of his favour, which they have felt in the repayment of the Scotch debt.

26 This is said once for all, and all this was little reckoned of by him, who was ready to hazard both life and fortune for his majesty's service, acknowledging that it was just, since he and his ancestors owed so much to the king and his progenitors' bounty, that all he had should be spent in his service.

27 The covenanters in Scotland were beginning to look to themselves, and fearing Ruthwen, who was in the castle of Edinburgh, they required him to obey their orders: but he told them he had his trust from the king, and would acknowledge no commands but his; whereupon they blocked him up. He might easily have done them much mischief, but his orders were to hold himself most on the defensive, and to amuse them, but not to break out to open hostilities, within which limits he contained himself.

28 The second of June came, which was the day the parliament was to set: but the king had sent down an order to the justice-clerk for proroguing it, and he was to carry along with him in this affair the assistance of the king's advocate, who was at this time confined to his house in Fife by the king, upon pretence of some petty malversation in his office, but really because of his adhering to the covenanters too much. The king's advocate was glad both of being delivered from 167
that disgrace, and for being honoured with the employment. But to clear the method in which he intended to proceed to make this prorogation legal, I must look back a little. When Traquair got his commission under the broad seal, there was another commission given under the quarter seal to the lord

Elphinstown, the lord Napier, the king's advocate, and the justice-clerk; these, or three of them, were empowered to act as commissioners in Traquair's absence, and upon his orders. Therefore the king's advocate judged it needless to fill up a blank that was sent down to be made use of, if need were, to make the prorogation legal; but resolved to require one of the other two, to concur with the justice-clerk and himself in the prorogation, which was to be done after the parliament was fenced: therefore they provided the persons necessary for fencing of it, (a ceremony they use in the beginning of a session,) who are the constable, the marshal, the provost of Edinburgh, the sheriff of Lowthian, and a doomster; and if any of these be absent, the king must name others for their service that day. So the members of parliament being met, the king's advocate required the lord Elphinstown, who was first in the commission, to go up with them to the throne, for executing the king's commands; who having read the commission, found their power was only to act by the commissioners' order, and therefore called for Traquair's warrant. The king's advocate answered, that as when the king is present a commissioner's power of itself expires, so also when his warrant is produced there is no need of one from his commissioner. But Elphinstown stood on the letter of the commission, and so found he was not legally warranted to do it. That same was the lord Napier's answer, who was also of the commission, and so the king's advocate and the justice-clerk could do nothing but take instruments. Many imputed this to the king's advocate's juggling; but he vindicated himself solemnly, which is extant under his hand, with a long narrative of this whole affair sent up by him to the king. However the effects of this error were great; for the members voted themselves to be in a parliamentary capacity, as being summoned by the king at first, and again adjourned to this day: whereupon they proceeded to the enacting of what they had designed the former year; and their acts, though of great importance, yet meeting no opposition, were quickly despatched: all which, with a prologue and epilogue of two high declarations, were sent in the packet to the earl of Lanerick, with the following letter written by a committee of lords they had left to sit at Edinburgh:

29 RIGHT HONOURABLE,

It is not unknown to your lordship with what difficulties this kingdom hath wrestled this time past, in asserting their religion and liberties against the dealings of bad instruments with his majesty to the contrary. The means which they have used have been no other, but such as they humbly petitioned and obtained from his majesty, a free national assembly and parliament. The assembly went on in a fair way, and was closed with the liking and full consent of his majesty's commissioner; but the parliament indicted by his majesty was prorogated till the reasons of the demands of the estates were rendered to his majesty: which having done by their commissioners, they kept the second of June (the day appointed by his majesty) for the sitting of the parliament. And after diligent inquiry, hearing nothing 168
from his majesty nor his commissioner, neither by their own commissioners, or any other sent from his majesty, which might hinder the parliament to proceed to the settling of their religion and liberties, after mature deliberation and long waiting for some signification of his majesty's pleasure, they have all with one consent resolved upon certain acts, which they have judged to be most necessary and conducible for his majesty's honour and the peace of the kingdom, so far endangered by delays, and have committed to us the trust to shew you so much; and withal to send a just copy of the acts, that by your lordship (his majesty's principal secretary for Scotland) they may be presented to his majesty. The declaration prefixed to the particular acts, and the petition in the end, contain so full expressions of the warrants of the proceedings of the estates, and of their humbly continued desires, that no word needs to be added by us. We do therefore in their name (according to the trust committed to us) desire your lordship, (all other ways of information being stopped,) with the presenting of these acts of parliament, to represent unto his majesty, against all suspicions, suggestions, and tentations to the contrary, the constant love and loyalty of this kingdom unto his majesty's royal authority and person, as their native king and kindly monarch; and that they are seeking nothing but the establishing of their religion and liberties under his majesty's government, that they may still be a free kingdom to do his majesty all the honour and service that becometh humble subjects: that their extremity is greater through the hostility and violence threatened by arms, and already done to them in their persons and goods, by castles within, and ships without the kingdom, than they can longer endure: and that as his majesty loveth his own honour, and the well of this his ancient kingdom, speedy course may be taken for their relief and

quietness; and that if this their faithful remonstrance (which, as the great council of the kingdom, they found themselves bound to make at this time for their exoneration) be passed over in silence, or answered with delays, they must prepare and provide for their own deliverance and safety. We are very hopeful that your lordship (as a good patriot, and according to the obligement of your place) will not be deficient in that duty for your native country, and send us a speedy answer, as we shall in every duty be careful at all occasions to shew ourselves

Edinburgh, 17 June, 1640.

Your lordship's humble servants,

Signed,

Balmerino	J. Murray	Ed. Eggar
Burghly	J. Hamilton	Tho. Paterson
Napier	G. Dundas	Ja. Sword.
Thomas Hop	J. Smith	

30 The covenanters did also sign a bond among themselves for adhering to these acts, and prosecuting of those who had been the incendiaries from the beginning of these stirs, the marquis and Traquair being the chief of them.

31 But all this gave great offence at court, the king looking upon it as a bolder attempt than any yet made, which struck at the root of his authority, and overturned the fundamental laws of Scotland; and therefore he judged himself bound to repair this affront with the sword God had put in his hands. 169 At this time the marquis got the following memorial sent him from my lord Lowdon, out of the Tower of London, written all with Lowdon's hand, and yet extant.

32 MEMORANDUM FOR THE LORD LOWDON,

To speak to the marquis of Hamilton, that according to that interest of blood, and the confidence which the lord Lowdon reposeth in him, his lordship may be pleased to intercede seriously with the king, that his majesty may be graciously pleased to consider of the petitions and informations which have been tendered to his majesty from the lord Lowdon, and for him from Scotland, which do abundantly clear his innocency concerning that French letter, in respect of the time and occasion of writing that letter, the letter itself being only for mediation and intercession, as is clear by the instructions yet extant, to have been sent with that letter, which are the true commentary of the letter. The letter itself was never sent nor used, but rejected, and no other letter sent. It was written long before

the pacification, wherein his majesty was graciously pleased to pass all preceding deeds in oblivion.

The lord Lowdon came hither upon his majesty's own warrant, which is sufficient for his indemnity and return, till he be exhonoured of his employment. He came from the parliament with commission from them to shew his majesty the reasons of their demands, trusting confidently in his majesty's justice and goodness, and with most loyal affection and ardent desires to have given his majesty satisfaction, and to have returned with no less fidelity and forwardness in carrying and pressing his majesty's royal and just commands, during which time he could expect nothing less than that he would be called in question for a prior deed; all which are most manifest by the petitions and informations presented to his sacred majesty.

Therefore I most humbly beseech, that his majesty may be graciously pleased to consider of the former petitions and true informations, which being pondered in the balance of his majesty's righteous judgment, I am most confident my innocency will appear clearly to his majesty, and that I will find such a speedy delivery as may give demonstration to the world of his majesty's justice and goodness, and as may, not only from the conscience of my duty, but likewise from the sense of his royal benignity, encourage me ever to contribute my best endeavours for furthering of his majesty's service.

And if his majesty be not fully satisfied with my humble petitions and true informations of my innocency and loyalty, but doth notwithstanding thereof harbour any opinion of my disloyalty, or casting off my dutiful obedience and subjection to his majesty, or offering subjection to any other king or potentate in the world, I am content to undergo the most exact trial which is agreeable to the laws of that kingdom by which only I ought to be judged, rather than lie under such a heavy imputation, which to me (who am conscious of my own innocency, and of my most tender and humble duty towards his majesty) is more grievous than my sufferings, which can only prejudice and hurt me and my private estate, but can no ways conduce for advancing of his majesty's service, but rather be a hinderance to the accommodation of affairs; whereas my liberty or lawful trial will serve for the illustration of his majesty's justice to the world, and will make his subjects without fear of danger to tender their humble suits and remonstrances at the throne of his royal justice.

33 Upon this the marquis pressed the king much for my lord 170
Lowdon's enlargement, since the covenanters made great noise with it in all their complaints, and pretended that they durst

send up no more commissioners; and therefore they sent their acts in the packet.

34 He did also shew his majesty, that he knew by the lieutenant of the tower that Lowdon was very fearful: wherefore he desired permission from the king to try what this fear could draw from him, and to see if his enlargement, with the hopes of a noble reward, could engage him to the king's service; which (if obtained) might prove of great advantage; since the irritations he had received would make his advices less suspected in Scotland. His majesty approving this, he treated with Lowdon, and found him abundantly pliant: and so on the 26th of June he agreed with him on these terms, which he got under Lowdon's hand, in two papers yet extant.

35 I. The lord Lowdon doth promise to contribute his faithful and uttermost endeavours for his majesty's service, and furthering of a happy peace, and shall with all possible diligence and care go about the same, and shall labour that his majesty's subjects of Scotland may in all humility petition, that his majesty may be graciously pleased to authorize a commissioner with full power from his majesty to establish the religion and liberty of that his majesty's native and ancient kingdom, according to the articles of pacification, and that by a new convening or session of the parliament, without cohesion or dependence on what hath been done by themselves without his majesty's presence, or of a commissioner to represent his majesty's royal person and power.

II. That if there be not an army already convened in Scotland in a body, he shall endeavour that they shall not convene nor come together during the time of treaty, in hope of accommodation; and if they be already convened in a body before his return, he will labour that they may dissolve and return to their several shires, or dispose so of them that they remain not in one body, as may best evince that they intend not to come into England; but may carry themselves in that respective way, as may best testify their duty to his majesty and their desires of peace.

III. That if general Ruthwen shall happen to become their prisoner, they may (as a testimony of their desire to shun every thing which may provoke his majesty's displeasure) preserve him, and that the lord Lowdon will shew how far he is engaged for his safety.

IV. That when affairs shall be brought to a treaty in parliament, and that his majesty shall be graciously pleased to settle the religion and liberties of the kingdom according to the articles of pacification,

he will endeavour that the king's authority shall not be entrenched upon nor diminished, that they may give a real demonstration to the world how tender and careful they are that his majesty's royal power may be preserved both in church and state.

V. That what is done or imparted to the lord Lowdon concerning his majesty's pleasure shall be kept secret, and not revealed to any here, further than his majesty shall think expedient.

That the lord Lowdon shall (as soon as conveniently he can) return an account of his diligence.

36 There was given with this another paper, which follows: 171

Memorandum of what passed betwixt the marquis of Hamilton and me, 26 June, 1640.

I. Because no great matters can be well effectuated without trust, fidelity, and secrecy; therefore it is fit that we swear fidelity and secrecy to others, and that I shall faithfully contribute my best endeavours for performance of what I undertake; and that my lord marquis do the like to me.

II. Our desires and designs do tend mainly for preservation of religion, laws, and liberties of the kingdom, the king's honour, and of his royal authority, and for establishing of a happy peace, and preventing of wars; and we are to advise and resolve upon such ways and means as may best conduce for these ends.

III. If (after using of our utmost endeavours) it be not God's will that we may be so happy as to obtain such a peace in haste, as may content the king and satisfy his subjects, till differences draw to a greater height, and beginning of wars, to resolve what is fit to be done in case of such an extremity, for attaining a wished peace, and to condescend what course we shall take for keeping of correspondence.

If my endeavours and service (which doubtless will put me to a great deal of expense and pains) shall prove useful for his majesty's service and honour, and the good of the kingdom, which are inseparable, the marquis will intercede really, and employ his best endeavours with the king, to acknowledge and recompense the lord Lowdon's travels and service in such manner as a gracious king and master should do to a diligent and faithful servant.

37 Upon this Lowdon was enlarged next day, and permitted to go down to Scotland; but those who did not know the secret of this, thought the king had weakened himself much by letting go an hostage of such importance: and this gave

new suspicions of the marquis's tamperings with the covenanters.

38 His majesty commanded the earl of Lanerick to write by the lord Lowdon the following answer to the letter sent up by the lords of Scotland with the acts they had lately passed.

39 My Lords,

By my former, of the date the 23rd of June, his majesty was pleased to promise by me, to let you know within few days his further pleasure concerning those proceedings and desires of the noblemen and barons and burgesses, which you sent me to be presented to his majesty; whereupon he hath now commanded me to tell you, that the not proroguing of the parliament in a legal and formal way was not for want of clear instructions, and of full and ample power from his majesty, he having fully signified his pleasure to those whom he did intrust with the executing thereof, not thinking it fit to employ other servants of greater eminence, by reason of the disorders and iniquities of the times: and as forced by the importance of his other great and weighty affairs, he was necessitated to prorogue the parliament for some few days, so did he most really intend to perform at the time prefixed whatsoever he had promised by the act of pacification. But neither can the neglect of his servants, (if any be,) nor those other reasons alleged by the foresaid noblemen, barons, and burgesses, in their declaration for 172
their sitting, satisfy his majesty for their proceeding in a parliamentary way; since, by the duty and allegiance of subjects, they are bound to acknowledge in a most special manner his transcendent power in parliaments; and if subjects there do assume the power of making laws, and of rescinding those already made, what act can be done more derogatory to that regal power and authority we are all sworn to maintain? Therefore his majesty conceives they cannot in reason expect he can interpose his royal authority to these or any other acts whatsoever, whereto neither he in his own royal person nor by his commissioner did assist. Yet such is his majesty's clemency, that when they shall take such an humble and dutiful way as may witness that they are as careful and tender of his majesty's royal power, as they are desirous of his approbation, then shall it be time for them to expect such a gracious and just answer, as may testify his majesty's fatherly compassion of that his native kingdom, and his pious and princely care of performing whatsoever is necessary for establishing their religion and laws. So thus having imparted

unto you all that was enjoined me by his majesty, I shall say no more from myself, but I am

Your lordship's humble servant,

Whitehall, 27th of June, 1640. LANERICK.

40 My lord Lowdon found matters at so great a height, that he was able to do little more than give intelligence that he delivered the letter to the lords at Edinburgh, who returned to it the following answer:

41 MY LORD,

We received your lordship's letter of the 27th of June, from the lord Lowdon, whose relief out of prison gives us occasion (before we answer your lordship's letter) to acknowledge the same as an act of his majesty's royal justice and goodness, although the pretended cause of his imprisonment was but a malicious calumny of the enemies of the king's honour and our peace, forged to engage both his majesty's kingdoms in a national war. As we cannot but regrate that any neglect of his majesty's officers, or absence of his commissioner, whose presence we did both desire and expect, should hinder the interposing of his royal authority to these acts of parliament, which were found most necessary for establishing religion and the peace of this kingdom, and which, according to the acts of pacification, his majesty was graciously pleased to promise; so we have and shall still endeavour to give demonstration of that tender respect we have of his majesty's honour and royal power. And whereas your lordship's letter doth imply that we should take some other way for the more easy obtaining his majesty's approbation, which also by several reasons hath been most instantly pressed by the lord Lowdon; yet we conceive that parliamentary way, which was taken by the estates convened by his majesty's special warrant, to have been most legal and necessary, and no ways derogatory to his majesty's power in parliament, nor contrary to the duty of good subjects, who are warranted by the articles of pacification, under his majesty's hand, to determine all civil questions, ratify the conclusions of the assembly, and remove the present distractions of this kingdom, as is more abundantly demonstrated by their declaration in parliament there- 173
about. So that we dare not take any other course, which may entrench upon their parliamentary power or proceedings; nor will we (being so few in number appointed by them to stay here) presume of ourselves, in a matter of so great moment, to return a more full and particular answer, till there be a more frequent meeting of those appointed by parliament, which will be shortly; and then your

lordship shall be acquainted, that you may shew his majesty their resolutions and humble desires, and we shall remain

Your lordship's affectionate
friends and servants.

Signed,

Lindsay.	Napier.	Ja. Sword.
Balmerino.	J. Murray.	J. Forbes.
Burghly.	G. Dundas.	Ed. Eggar.

Edinburgh, 7th of July, 1640.

42 They went on with their preparations, and caused all to bring in the tenth penny of their rents, to make this war look like a sacred one, since carried on by the tithes; and ordered their forces to be drawn together. Mean while the king went on at as good a pace as he could, and went from London in the end of July, to make his rendezvous at York. The earl of Strafford stayed some time behind, partly for sickness, partly to see what money could be borrowed from London; and at this time there were great and high misunderstandings between him and sir Henry Vane, both making their complaints to the marquis by their letters. Strafford was also to bring an army out of Ireland upon the west of Scotland, whereupon they in Scotland drew their forces together in the end of August, and resolved to march into England, and make that the seat of the war, pretending (as by their declaration then emitted doth appear) that their trade was blocked up by English ships; that in England and Ireland Scottish men were proceeded against for taking the covenant, and the English council had voted a war with them: wherefore, they said, they were constrained to go into England with their petitions, declaring they came not to invade England, but to avert the invasion of their country that was designed; adding, that they should be so far from doing prejudice to any in England, that severe justice should be executed upon those who took any thing in England without payment. And about this time Ruthwen, being for many months blocked up in the castle of Edinburgh, (so that victuals and ammunition were spent, his water also failed, and most of his soldiers died,) was forced to capitulate and render up the castle to the covenanters.

43 But not to stand too long on matters universally known, as soon as they entered England, the king by proclamation de-

clared them traitors on the 22nd of August: yet they went on, and when they came to the Ford of Tine at Newburn, some miles above Newcastle, they found it guarded by a body of foot, who had raised a breastwork near the river, and lay there to obstruct their passage. Yet no sooner did the Scottish cannon begin to play, but they, struck with fear, threw down their arms and run away; whereupon the general passed over with some troops, and they were encountered by 174
three troops commanded by Wilmot, whom, after a little dispute, they routed: their officers were taken prisoners, and some were killed. And after this the whole body of the English army that lay there marched to Newcastle, which consisted of two thousand horse and nine thousand foot: the disorder among them was the greater, because the lord Conway, who commanded, had gone that day from the camp to dine at a place about a mile distance, called Stella. The Scots continued passing till it was late, and lay in the fields all night: next day they marched towards Newcastle, and were beginning to be in some strait; for they had driven as many cattle out of Scotland with them as served hitherto for their provision, and were resolved to take nothing in England but for payment, which would have been a vast charge to them. They purposed therefore to summon Newcastle, and in case it yielded not, to threaten to burn all the collieries which lay on the south side; though they designed not the executing of that, for fear of making the rupture beyond remedy. But as they were marching, doubtful what course to take, they met a Scotchman who had been a prisoner at Durham; he told them how that morning by six o'clock all the English forces had marched through Durham in great haste; whereupon they went forward, and found Newcastle open to them, and there they took up their quarters, and found great magazines of provision, which the king had laid in for his army, and by those they maintained their army a great while.

44 This loss and affront went very near the king's heart, who begun to fear this year's success as much as he had done the last.

45 After this the lords of the covenant wrote the following letter to the earl of Lanerick by one Cathcart.

46 Noble Lord,

As we have ever professed and declared, as well by our words as actions, that the grounds of our desires are, and ever shall be, the redress of wrongs and reparations of our losses, and that we will never leave off in all humility to supplicate his majesty for the same, so this hath moved us now, being come this length, yet again humbly to petition his majesty to take our case to consideration, and grant our desires. We are debarred from sending or carrying our supplications in the ordinary way, which makes us have our address to your lordship, entreating your lordship in our names to present this our petition herein enclosed to his majesty, and in all humility to beg an answer thereunto, to be sent with the bearer to us, who shall ever endeavour to approve ourselves his majesty's loyal subjects, and most unwilling to shed any Christian blood, far less the English; whereof we have given very good proof by our by-gone carriage to every one who hath with violence opposed us, yea, even to those who entered in blood with us, and were taken prisoners, whom we have let go with meat and money, notwithstanding that all those of ours who did but deboar'd from their quarters are miserably massacred by these whom we can term no otherwise than cut-throats. Our behaviour to these in Newcastle can witness our intention, which is, to live at peace with all, and rather to suffer than to offend. We bought all with our money, and they have extortioned us to the triple value: the panic fear made most of them leave the town, and stop their own trade; but we have studied to solve their doubts. As all our actions shall ever tend to that which is just and right, so we could wish they 175
were interpreted to a true sense; and whatever may be the event of business, we hope the blame shall not lie upon

Your lordship's affectionate
friends to serve you.

Signed,

Rothes,	Napier,	D. Hoom,
Cassilis,	Tho. Hope,	Keir,
Dumferline,	W. Richarton,	Ja. Sword,
Lindsay,	J. Swith,	J. Rutherford,
Lowdon,	P. Hepburn,	

Leager, beside Newcastle, 2nd of September, 1640.

P. S.—We entreat your lordship to let the bearer have a pass for his safe return to us.

47 The petition enclosed was presented by him to his majesty, which follows:

48 *To the king's most excellent majesty, the humble petition of the commissioners of the late parliament, and others of his majesty's loyal subjects of the kingdom of Scotland,*

Humbly sheweth,

That whereas, after our many sufferings the time past, extreme necessity hath constrained us for our relief, and obtaining our humble and just desires, to come into England, where, according to our intentions formerly declared, we have in all our journey lived upon our own means and victuals and goods brought along with us, and neither troubling the peace of the kingdom, nor harming any of your majesty's subjects of whatsoever quality in their persons or goods, but have carried ourselves in a most peaceable manner, till we were pressed by strength of arms to put such forces out of the way as [did], without our deserving, and (as some of them have at the point of death confessed) against their own consciences, opposed our peaceable passage at Newburn-on-Tyne, and have brought their blood upon their own heads, against our purposes and desires, expressed in our letters sent unto them at Newcastle for preventing the like or greater inconveniences. And that we may without further opposition come into your majesty's presence, for obtaining from your majesty's justice and goodness satisfaction to our just demands, we, your majesty's most humble and loyal subjects, do still insist in that submiss way of petitioning, which we have keeped since the beginning, and from which no provocation of your majesty's enemies and ours, no adversity that we have before sustained, nor prosperous success can befall us, shall be able to divert our minds.

Most humbly entreating that your majesty would in the depth of your royal wisdom consider at last our pressing grievances, provide for the repairing of our wrongs and losses, and, with the advice and 176
consent of the estates of the kingdom of England convened in parliament, settle a firm and durable peace, against all invasion by sea or land, that we may with cheerfulness of heart pay unto your majesty, as our native king, all duty and obedience that can be expected from loyal subjects, and that (against the many and great evils which at this time threaten both kingdoms, whereat all your majesty's good and loving subjects tremble to think, and which we beseech God Almighty in mercy timeously to avert) your majesty's throne may be established in the midst of us, in religion and righteousness. And your majesty's gracious answer we humbly desire and earnestly wait for.

49 The king having considered their petition, commanded my

lord Lanerick to write the following answer, dated at his majesty's court at York the 5th of September, 1640:

His majesty hath seen and considered this petition, and is graciously pleased to return this answer by me, that he finds it in such general terms, that till you express the particulars of your desires, his majesty can give no direct answer; therefore his majesty requires that you set down the particulars of your demands with expedition, he having been always willing to hear and redress the grievances of his people: and for the more mature deliberation of these great affairs, his majesty hath already given out summons for the meeting of the peers of the kingdom in the city of York upon the 24th of this month, that so with the advice of the peers you may receive such answer to your petition as shall most tend to his honour, and the peace and welfare of his dominions. And in the mean time (if peace be that you desire, as you pretend) he expects, and by these his majesty commands, that you advance no further with your army to these parts; which is the only means that is left for the present to preserve peace betwixt the two nations, and to bring these unhappy differences to a reconciliation, which none is more desirous of than his most sacred majesty.

Signed,

LANERICK.

50 With which he wrote this cover:

MY LORDS,

According to your desires, I presented unto his majesty in your names the petition you sent me; whereupon his majesty hath been graciously pleased to command me to make this reference, which you shall receive herein enclosed, joined unto the petition.

My lords, by this you may see his majesty is, as he ever was, willing to hear and redress the grievances of his subjects; and I pray God you may take those courses that may not too much encroach on the goodness of so gracious a sovereign. This shall be the earnest prayer of

York, 5th, Sept. 1640.

Your lordship's servant,
LANERICK.

51 To this they returned the answer that follows, which was sent by sir James Mercer:

RIGHT HONOURABLE, 177

As nothing in earth is more desired of us than his majesty's favour, so doth nothing delight us more than that his majesty

beginneth again to hearken to our humble desires, wherein we trust nothing shall be found but what may serve for his majesty's honour and for the peace of his dominions. The particulars we would have expressed, but that they are contained in the conclusions of the late parliament and our printed declarations, which were sent to your lordship; but in case the papers be not by your lordship, we now summarily repeat them.

That his majesty would be graciously pleased to command, that the last acts of parliament may be published in his highness's name, as our sovereign lord, with the estates of parliament convened by his majesty's authority: next, that the castle of Edinburgh and other strengths of the kingdom of Scotland, may, according to the first foundation, be furnished and used for our defence and security: thirdly, that our countrymen in his majesty's dominions of England and Ireland may be free from censure for subscribing the covenant, and be no more pressed with oaths and subscriptions unwarranted by our laws, and contrary to their national oath and covenant approved by his majesty: fourthly, that the common incendiaries, who have been the authors of this combustion in his majesty's dominions, may receive their just censure: fifthly, that our ships and our goods, with all the damage thereof, may be restored: sixthly, that the wrongs, losses, and charges, which at this time we have sustained, may be repayed: seventhly, that the declarations made against us as traitors may be recalled, and in end, by advice and consent of the estates of England convened in parliament, his majesty may be pleased to remove the garrisons from the borders, and any impediment that may stop free trade, and with their advice may condescend to all particulars which may establish a stable and well-grounded peace, for enjoying of our religion and liberties, against all fears of molestation and undoing from year to year, as our adversaries shall take the advantage. This royal testimony of his majesty's justice and goodness we would esteem to be doubled upon us, were it speedily bestowed, and therefore must crave leave to regret, that his majesty's pleasure concerning the meeting of the peers the 24th of this instant will make the time long ere the parliament be convened, which is conceived to be the only mean of settling both nations in a firm peace, and which we desire may be seriously represented to his majesty's royal thoughts: the more this time is abridged, the more able will we be to obey his majesty's prohibition of not advancing with our arms: our actions, and whole comportment since the beginning of these commotions, and especially of late since our coming into England, are real declarations of

our love and desire of peace: nothing but invincible necessity hath brought us from our country to this place, no other thing shall draw us beyond the limits appointed by his majesty: which we trust his majesty will consider of, and wherein we hope your lordship will labour to be a profitable instrument for the king's honour, the good of your country, and of

Your lordship's humble servants
and affectionate friends,

A. Lesly.	Dumfermline.	Tho. Hope.	D. Home.
Rothes.	Lindsay.	W. Rickartoun.	Keir.
Cassils.	Lowdon.	J. Smith.	Ja. Sword.
Montrose.	Napier.	P. Hepburn.	

Scot's-Leager at Newcastle, Sept. 8th, 1640. 178

52 On the 24th of September, the peers of England having met, the king by their advice commanded his secretary to write the following letter:

My Lords,

According to his majesty's appointment, the most part of the peers of this kingdom of England met here at York this day, where his majesty did communicate unto them your desires and petitions; and because you do so earnestly press for a speedy answer, his majesty, with advice of the peers, hath nominated such a number of them for a conference with you upon Tuesday at Northallerton, whose names are underwritten. But withal if you shall think the time too short, and that with conveniency you cannot come so soon thither, if betwixt this and Sunday you do acquaint his majesty therewith, he will take order for the delay thereof, for one day or two.

And that you may without all fear or danger of detention send such persons unto the said conference as you shall think most fit, if betwixt this and Sunday you send hither the names of these you mean to employ, his majesty will with all possible diligence return a safe conduct, under his own royal hand, for them and their necessary servants.

His majesty hath likewise commanded me to let you know, that upon your relieving of such officers and others of his subjects as are detained by you, he will return all such of yours as are his prisoners, either here or at Berwick; and hereafter resolves, that fair quarters should be kept betwixt both armies. Thus having imparted his majesty's pleasure, I continue

Your lordship's servant,
Lanerick.

York, 24th of Sept. 1640.

53 And now the king was in a great strait what to resolve on.

Most of all the peers advised a settlement with Scotland, and a parliament in England: Strafford's advice was more severe, and the marquis pressed a pacification. But though their opinions varied, yet their friendship continued, since both had the same designs for the king's honour and service. A recruit of money (which was beginning to run low) was not to be hoped without a parliament, and their late experience told on how uneasy terms that was to be had. Earl Lowdon also assured the marquis by his letters that the covenanters were well armed, well commanded, and very resolute, nor did they doubt of a strong party in England; and therefore shewed how dangerous it would prove to his majesty's affairs, if a treaty should not presently follow. The marquis, little regarding how ill these counsels would be represented by others, used all his industry to prevail with the king for a pacification on any terms; since none could be so bad, as the hazard the king was like to run if matters continued so broken: for it was now apparent how faintly his majesty's forces did serve him, and with how much resolution the Scottish armies proceeded; neither were they without fears in their own army, and that many of the peers and people of England would have assisted the Scots, if matters had run to extremities.

54 But at that time a passage fell out which drew after it a tract of great troubles on the marquis. The earl of Montrose had in July that year procured a meeting of some noblemen at Cumbernald, the earl of Wigton's house, where there was 179
a bond signed by them of adherence to one another in pursuance of the covenant; and from Newcastle he continued to keep correspondence with his majesty, notwithstanding an act that had passed in the committee, that none should under pain of death write any letters to the court, but such as were seen and allowed of by at least three of the committee. But this correspondence of my lord Montrose came to the knowledge of the covenanters, and there were ill instruments who suggested that this advertisement must have been given by the marquis, which being too easily believed, occasioned a breach betwixt them that could never be made up. And Sanderson hath had the impudence not only to fasten this on him, but as if there had not been imputation enough in it, he adds that the marquis had in the night picked his majesty's pockets for

his letters. Indeed he needed not take such courses, had he been capable of that treachery; for the king's confidence in him was such, that he delivered all the letters he had from Scotland to his keeping, and if he had designed such a thing upon Montrose, it was in his power to have done it long before: for in October and December of the former year Montrose had writ much in the same strain to the king; which letters the king gave him, and are yet extant, but were never heard of till now that the writer gives this account of them. But the way how that letter was discovered was this: the covenanters sent sir James Mercer to York, with their letters to my lord Lanerick of September the 14th, with whom my lord Montrose sent his servant with letters to some of his friends at court; and these letters had been shewn to the committee: but as he sealed them up, he put within one to sir Richard Grahame a letter to the king which had not been seen; and sir Richard opening his letter carelessly, the enclosed to the king dropped out: whereupon sir James Mercer, being near him, stooped down in civility to take up the letter, and read the direction of it; and he, returning next day to the Scottish camp, told what he had seen to the general, who (in a committee that sat that afternoon wherein it was my lord Montrose's turn to preside) said, that the gentleman they had sent must be examined concerning any letters he carried to the court: and so he was called in, and examined. But Montrose, understanding that his correspondence with the king was discovered, said, that seeing others kept a correspondence with the court, he knew not why he might not do it as well as they. It was answered, if others were guilty, that did not excuse his fault, but when that could be made out against any they were liable to the same censure he had now incurred: whereupon he was commanded to keep his chamber: and he called a great many of his friends to him, to try who would adhere to him: whereupon the general bade the earl of Calender, who was then lieutenant-general, tell him, that if he came not, and submitted himself, he would hold a council of war upon him, and proceed against him capitally. Upon this, my lord Montrose came, and produced a copy of the letter he said he had written, and craved pardon, and so this matter was passed over: but it was suspected

that his letter had been sent to the covenanters by the marquis; whereas indeed they knew no more of his letter but what they had from sir James Mercer, who read the address of it, and so they knew not what was in it, but by the copy he produced. Yet this went current for the marquis's treachery, though sir James Mercer did often vouch the truth of this before many witnesses, and particularly to Sanderson 180
himself before noble witnesses, who acknowledged his misinformation, and promised to expunge that in the next edition of his book: though there are no grounds to fear the world will ever be troubled with another edition of so ill a book.

55 In the end of September a treaty was agreed upon, and his majesty named the marquis and my lords of Traquair and Lanerick to be amongst the commissioners who should treat in his name. But the covenanters excepted against the marquis and Traquair, whom they intended to pursue as incendiaries, and therefore they could not treat with them; as for Lanerick, they had nothing to fasten on him. Upon this the king resolved to send none but English lords, conceiving it not fitting to send any Scotchman, if the persons he had employed as commissioners were not of the number.

56 Rippon, a little town fifteen miles from York, was appointed to be the place of treaty instead of Northallerton, and the king sent the English lords thither, appointing Traquair and Lanerick to wait upon them, for giving them information of Scottish affairs; but he kept the marquis to wait upon himself. The treaty begun at Rippon, and after a few days, by reason of the new parliament the king had summoned against the beginning of November, was removed to London. The covenanters' demands were the same with those contained in their letter of the 8th of September, about which they continued treating till the June of the next year: and so this year ended.

57 But here I shall insert a paper, all written with his majesty's hand, which though it do not relate to Scottish business, yet I judged it a crime to let any of the relicks of that prince's pen perish. How it came into the marquis's hand, I know not; it is an answer to a remonstrance sent to the king by the two houses at Westminster in the end of this year.

58 I having taken to my serious consideration the late remonstrance made to me by both houses of parliament, do make this answer:

I take in good part your care for the preservation of the true religion established in this kingdom, from which I will never depart: as also for your tenderness of my own safety, and security of this state and government.

It is against my mind that popery or superstition should any way increase within this kingdom, and I will restrain the same by causing the laws be put in due execution. I resolve likewise to provide against the dangers of Jesuits and priests, setting forth a proclamation with all speed commanding them to depart the kingdom within one month, whereof if they fail or shall return, then they shall be proceeded withal according to the laws.

Concerning Rosettie, you must understand that my wife hath always assured me, that (to her knowledge) he hath no commission, but only to entertain a personal correspondence betwixt her and the pope, of things requisite for the exercise of her religion, which is warranted to her by the articles of our marriage, which give her a 181
full liberty of conscience; yet I have so persuaded her, that (since the misunderstanding of this person's condition gives offence) she will within a convenient time remove him. Moreover, I will take special care to restrain my subjects from resorting to mass at Denmark-house, St. James's, and the chapels of ambassadors.

Lastly, concerning John Goodman the priest, you must know the reason why I reprieved him is, that (as I am informed) neither queen Elizabeth nor my father did ever avow that any priests in their times were executed merely for religion, which to me seems to be this particular case; yet seeing that I am pressed by both houses to give way to his execution, (because I will avoid the inconvenience of giving so great a discontentment to my people, as I perceive this mercy may produce,) I remit this particular cause to both houses: but I desire you to take into your serious considerations the inconveniences, which (as I conceive) may upon this occasion fall upon my subjects, and other protestants abroad, especially since it may seem to other states to be a severity with surprise; which I having thus represented to you, think myself discharged from all ill consequences that may ensue upon the execution of this person.

Anno 1641.

59 The marquis (notwithstanding all the malice he knew some of his countrymen bore him) did not slacken his endeavours

to bring things to a final settlement; and the high language which was now spoken at Westminster, furnished him with too strong reasons for enforcing the necessity of agreeing with the covenanters. At length the king, weary of contending so much, resolved to yield to most of their demands.

60 For the first, of publishing their acts, though it was contrary to the practice of Scotland to hold a session of parliament, unless the king were present by himself or his commissioner; yet it was represented, that was but a point of form; for as they sat by the king's summons, so they did not pretend their votes were laws without the king's ratification; and their sitting in this manner (though disorderly) could not be so derogatory to the king's authority as at first view appeared, since it was the constant practice of the two houses in England to sit and vote in the king's absence. The king was willing all these acts should be of new voted, promising his royal assent to them; but they were stiff, and the king yielded. For the reparation of losses, the king remitted them to the two houses, who considered their accounts and gave them a large brotherly assistance.

61 For the disposal of the castles, the election of the councillors, officers of state, and judges, which the covenanters desired 182
should be done with advice of parliament, they went very harshly down with the king. But they alleged divers old laws for their demands, which seemed now necessary to be revived, since his majesty was so seldom in Scotland. The king's great apprehension of this was, that it would give a copy to England for making the like demands: to which it was answered, that the king's residence in England made the case to differ vastly; the Scottish lords engaging upon their honour to declare (in case the two houses should make the like demands) they were unreasonable in so doing.

62 In a word, the king granted all they demanded, only he thought it unjust and unreasonable to grant an indemnity to the other party and let his friends be secluded from it; wherefore he pressed nothing so earnestly, as that the oblivion might be without exception: and the list of those who were summoned upon the pretence of being incendiaries was so great, that he thought to abandon so many of his faithful servants to the violence of the times was so dishonourable,

that he could not answer for it, neither to God nor man, The covenanters, to yield somewhat, reduced their great number to five persons, who were, the earl of Traquair, the bishop of Ross, sir Robert Spotswood, sir John Hay, and Doctor Balcanquell: but the king thought he could not yield to that demand, were there but one excepted; and told them, that though he had better grounds to pursue some of themselves as incendiaries, yet being willing to dispense with these his resentments, he had reason to expect the same condescendency from them. But they pretended their bond and oath for prosecuting of them; and though it was told them, that an ill oath was worse kept, yet they were stiff; and the temper found was, that their processes should go on, but their censure should be remitted to the king, and that the Scots should be satisfied with his assurance, that he should employ them no more in Scottish affairs without consent of parliament.

63 And thus all things were agreed on, and his majesty determined to go in person to Scotland to settle matters there; but at this time the Scottish commissioners began to cabal with the malecontents in the two houses, and in particular concurred with them in the pursuit of the earl of Strafford. The friendship betwixt the marquis and that gallant man had been great and entire; and as his testimony in those matters about which he was examined was among the evidences Strafford had in his defences, so his confidence in the marquis did appear by the following handsome letter he wrote to him a few days before his death.

64 May it please your Lordship;

Hitherto I judged it not fit to endanger your lordship by any intelligence betwixt us, which might have turned much to your prejudice, in a time when the world is in so much misunderstanding of me; but now be your lordship pleased to admit me to resort to your noble expressions and former friendship, that I may carry forth of the court with me the belief and tokens of it.

It is told me, that the lords are inclinable to preserve my life and family, for which their generous compassions the great God of mercy will reward them: and surely should I die upon this evidence, I had much rather be the sufferer than the judge.

All that I shall desire from your lordship is, that, divested of all 183
public employment, I may be admitted to go home to my own

private fortune, there to attend my own domestic affairs, and education of my children, with as little asperity of words or marks of infamy as possibly the nobleness and justice of my friends can procure for me, with a liberty to follow my own occasions as I shall find best for myself.

This is no unreasonable thing I trust to desire, all considered that may be said in my case, (for I vow my fault that should justly draw any heavy sentence on me, I yet do not see:) yet this much obtained will abundantly satisfy a mind hasting fast to quiet, and a body broken with afflictions and infirmities. And as I shall take myself highly bound to any that shall further me therein, so I more particularly desire to receive an obligation therein from your lordship than from others, as being purposed in the truth of my former professions to express myself

Tower, 24th of April, 1641.

Your lordship's humbly to be commanded,

STRAFFORD.

65 But since all his majesty's most vigorous intercessions were not able to preserve that great man, it is not to be imagined any good offices done by meaner persons could succeed; yet the marquis acted in it with great candour and friendship: but that preserved him not from being suspected of having advised the king to consent to Strafford's death; and for his vindication, I shall only refer the reader to his own words, in the speech he delivered the morning before he died, to be inserted in its proper place.

66 The Scottish bishops who were now at London, thought themselves undone, and complained of the marquis as the cause of their ruin; and yet he had been careful to get them all either provided with places or relieved with the king's money, so that all of them in their letters to him acknowledged him to be their only patron about the king. Traquair was worst pleased of any, and complained that the marquis had opposed the article of incendiaries till his own name was dashed out, and then had deserted the rest; but his name was not struck out alone, Huntley's and many others' being dashed out with him: besides, the prejudice of that process was only to be put out of employment in Scotland, by which the king was engaged in honour to make up that loss another way, wherein the marquis engaged to serve him faithfully. Others of the court

who hated and envied him, were glad to find colours of censure in any of his actions, and it was loudly talked that the king was now to part with his crown of Scotland with his own hands, by granting concessions so derogatory from kingly authority: but the king, who understood his own affairs better than any of these censurers, saw the necessity of settling with Scotland immediately. For the marquis represented to his majesty, that though those acts did very much diminish his authority, yet the Scottish parliament, being governed but by a few heads who influenced the rest, there was no doubt but the gaining of the leading men might so prepare things, that ere a few years went about all might be brought to a greater temper: for the king was firmly resolved to make good what he now promised, and never to violate these concessions, unless he could get them rescinded in parliament.

67 And let me once for all say freely, this was the great 184
measure of all the marquis's councils about Scotland, that (except when he saw at the beginning, as hath been said, that the king's interest and honour required his utmost resentments, and that a forcible redress seemed not improbable, and promised success) way should be given to the present heats for some time, in hope of recovering of them by such concessions: and in pursuance of this design Rothes was much caressed by the king, and entirely gained; but as he was recovering to his duty, he was overtaken by sickness, of which he died at Richmond, and was much regretted both by those of the court and the covenant, being a man of great abilities and much honour.

68 In June, the earl of Dumfermline and Lowdon were sent from London to Scotland with the articles of the treaty, and a desire that the parliament there might yet be prorogued for some time, since the affairs of England put a stop to the king's present journey. They also carried down a submission from Traquair, and were to deal, that the acceptance of it might stop the further agitation of the pursuit against him.

69 All this while there had been divers meetings of parliament in Scotland; but by reason of the dependence of the treaty they were still prorogued. Their greatest business was to prepare the process against the incendiaries, both the president Spotswood and the clerk of register Hay being prisoners in

the castle of Edinburgh since the former winter. The covenanters required the king's advocate to concur with them, according to his place, which obliged him to assist in the pursuit of all public crimes; but Lanerick, in the king's name, commanded him to deny his concurrence; and this made much ado; as also in all the king's orders for proroguing the parliament, mention was made of my lord Traquair as commissioner, against which they always protested. But at this time the parliament would not consent to prorogue of new, only they declared they should be preparing matters, and not go on to the determining any thing before the middle of August, against which time the king purposed to be in Scotland. As for Traquair's submission, it was rejected, and many begun to complain aloud, that whereas they signed a bond to prosecute the incendiaries, yet many were dispensed with; and much pains was taken by distinctions to satisfy their consciences, that they meant not to set up an inquisition by that oath, and that it was only meant of those that were declared and avowed incendiaries: but others said that the words were general, and tied them, without respect of persons, to pursue all equally.

70 At this time there was a gentleman seized at Broxmouth with letters to my lord Montrose, which discovered a new correspondence of his with the court for my lord Traquair's preservation: and with this the story of the bond signed the former year at Cumberwald broke out; upon which he and some of his friends were committed close prisoners to the castle of Edinburgh, and were called plotters.

71 On the 12th of August the king came to Scotland, accompanied by the prince elector, who came along with him, to see what assistance he might expect from the Scottish parliament. The king, to please the Scottish clergy the more, appointed Mr. Henderson to wait upon him while he should be in Scotland, and to provide preachers for him, being resolved to conform himself to the Scottish worship while he was among them.

72 The parliament at first voted that all the members should 185
subscribe the covenant, which was done by all; only the duke of Lenox took a few days to advise, after which he came and subscribed with the rest. Most differences had been settled at

London, but the matter of the incendiaries and plotters was that at which things stuck long, and occasioned the king's stay in Scotland. Many censured the marquis, as not concerning himself so much for those persons as became him; and because he, in prosecution of the design the king had laid down, took much pains on the earl of Argyle, it was said, he was courting the king's enemies and neglecting his friends. But he judged the great design of settling the king with the country was to be preferred to all private interests; and his brother following his method, shared with him in the same jealousies, though not to so high a degree. But his majesty knew the marquis too well to be easily moved with these whispers; therefore in one of his speeches in parliament he declared, *that the marquis had carried himself as a faithful subject and servant in all his employments during these troubles, and as one that designed the good and happiness of his country:* upon which the king gave his assent to the following act of parliament.

73 In the parliament holden at Edinburgh, in this session thereof holden the last day of September, the year of 1641 years, this act following was made by the king and estates, whereof the tenour follows:

74 Whereas there have been certain scandalous words spoken of the marquis of Hamilton, tending to the prejudice of his honour and fidelity to his majesty and his country, which are now acknowledged by Henry lord Ker, speaker thereof, in presence of his majesty and estates of parliament, to have been rash and groundless, for the speaking whereof he is heartily sorry, and since his majesty and the estates of parliament know it to be so; therefore his majesty, and estates foresaid, declare the said marquis of Hamilton to be free thereof, and esteem him to be a loyal subject to his majesty, and faithful patriot to his country: and the said estates remit the further censure of the said lord Ker to the king's majesty. Extracted out of the records of parliament by me sir Alexander Gibsone, younger, of Dury, knight, clerk to his highness's register and rolls, under my sign and subscription manual.

ALEX. GIBSONE, CL. REG.

75 The marquis had often heard that his enemies had designs upon him, and he represented what he heard to the king, but acknowledged he had it only by whispers: and thus matters went on till the 11th of October. Yet all this while the

marquis was insensibly losing ground with the king; for the perpetual whispers of his enemies could not choose but make some impression, being specious though forged grounds of jealousy, cunningly contrived, and managed with great assiduity, art, and malice.

76 Lanerick also found the king's countenance beginning to change towards him, whereupon he assumed the freedom to ask his majesty if he judged that he had been capable so far to forget his particular favours to himself, (who from nothing had heaped both fortune and honours on him,) as to do any thing might merit the change he saw in him: the king an- 186
swered, he believed he was an honest man, that he had never heard any thing to the contrary, but that his brother had been very active in his own preservation. This made Lanerick look the more narrowly to his brother's actions, to see if he could discover whether in any thing he had studied to preserve himself by prejudicing the king; but in a long account of that business, which I have under his hand, he protested, that the nearer he looked, he discovered in him the greater fidelity and affection to his master. It is true, the king met with great opposition in Scotland in the matter of the incendiaries and plotters, and it was represented that the marquis and his brother might have made it less, which perhaps left some impressions on his majesty; but having it so often under both their hands, that might their souls perish if they left any thing undone that was in their power to get a compliance to the king's desires from the parliament, I must believe this opposition flowed from the distempers of that time.

77 But about the middle of October an odd passage fell in, which, for its not being expected, was called *the incident*. A gentleman, not known to the marquis, brought him and the earl of Argyle the discovery of a plot, he said, was laid for their lives, and the earl of Lanerick's; which, he said, he could justify by one witness, who was invited to the execution of it. He told also a long formal story of the persons were to be actors, of time, place, and manner, and said it was to be executed that very night. This the marquis carried to the king without naming particulars, which could not be done safely by the law of Scotland, since he had but one witness to prove them by. The king desired him to examine the thing to the

bottom, and bring him what further evidence he could find. In the evening other presumptions were brought to the marquis, but no clear evidence, and the matter was got abroad, and in every body's mouth; so that all who depended on these lords came about them in great numbers: and those on whom the design was fastened gave out it was a forgery to make them odious, and gathered also together. The marquis hearing this, did not stir out of doors, lest some of their too officious followers had raised tumults; and next day, in the evening, he, with the earl of Argyle and his brother, and half a dozen servants, went out of town to his house of Keneel, twelve miles from Edinburgh, and sent his excuse to his majesty, with the true account of the reasons that moved him to do what he had done. Upon this, many discourses went about, people of all sides passing construction as they were affected; but the parliament took the whole matter into consideration. Those who had given the information owned what they had said, and those on whom the plot was fixed did as positively deny all: so that no clear proof being brought, the parliament could come to no other decision, but that the lords had good reason to withdraw themselves; and so they were invited to return to their place in parliament. This was a tedious business, and put a great stop to the settlement betwixt the king and the nation; but further particularities are thought needless to be set down, since this matter vanished, no effect following on it.

78 The marquis quickly recovered his former room in the king's affection, so that there remained not so much as a vestige of this cross adventure. Things in Scotland took presently a settlement, and those who were called *plotters* and *banders* 187
(after examination, and a delivering up of their bond, which was burnt by the hand of the common hangman) were set at liberty, after some time of further restraint: but the process of the alleged incendiaries was to go on, yet they were to enjoy their liberty, and undergo no other censure but the loss of public employment; which, though yielded at London, was long resisted in Scotland, they pretending their oath to bring them to condign punishment.

79 But as the king was going on with the settlement of one kingdom, he got the saddest news that ever were heard out of Ireland, of the desperate rebellion and massacre had broken

out there; whereupon his majesty recommended to the parliament of Scotland the relief of his oppressed protestant subjects in Ireland; which they undertook very willingly. But because of the interest England had in Ireland, commissioners were appointed to treat with the parliament of England for concluding a peace betwixt the two nations, and settling of trade, and particularly about the terms upon which they should engage in the war of Ireland: and so about the middle of November, the king having granted to the Scottish nation all they could demand, ended the parliament there, and returned to London about the end of that month. But before the marquis left Scotland, he by the king's particular command entered in a close friendship with Argyle, considering that besides the great power of that family, his interest with the clergy and covenanters was such, that none could be so useful to his majesty's service as he. And his friendship was to be twisted closer by a bond of a near alliance betwixt their children. But from all the letters that passed betwixt them, (yet to be seen,) it is as clear as can be that all the marquis's design in his friendship was for the king's service, and that all that time Argyle expressed a hearty concurrence in it. To gratify the covenanters the more, the king had created him a marquis: Lowdon was also made chancellor, Lesley earl of Leven, and Lindsay put in a fair way to be treasurer, Traquair being turned out.

80 The king at his return to London found the edge he had left on some of their spirits was no way blunted, but growing into more sharpness. When the marquis was in Scotland, a member of the house of commons, laying out their grievances, among other things, inveighed against monopolies, and spoke so plainly, that all understood he meant the marquis as a person that deserved to be accused, as well as either Strafford or Canterbury; but others of that same cabal took him up sharply. And now, upon the king's return, his enemies finding their designs against him could not take with the king, in whose favour he was as much as ever, they took a strange course to destroy him; which was, to set on some members of the house of commons to accuse him as the incendiary betwixt England and Scotland, who had engaged England into all that expense;

who had also invited the Scots to march into England, and had been always the third in Strafford's and Canterbury's counsels; who had advised the dissolving of the former parliament, and had oppressed the subjects by the grants of many monopolies which he had. This was smelled out even by some of the same cabal, who persuaded their friends to desist; shewing them, that for his carriage betwixt England and Scotland an oblivion was passed in the late treaty, which was ratified by the parliament of England; that for other things, though his engagement in the court had carried him along to 188
some extreme counsels, yet, they said, it was well enough known how moderate his inclinations were, how great an instrument he had been in the late settlement of Scotland, and how much he was hated upon that account; and that this was a design to destroy him, either out of malice, or because some feared his moderate counsels in England as much as they hated them in Scotland. This seems to have flowed from the friendship which divers of the leaders in the house of peers had for him, whom he had often obliged; and as they were not unsensible nor forgetful of his good offices, so they seem to have had a particular kindness for his person. And while he was in Scotland, he kept correspondence with Mandevil, Essex, and others, and chiefly with the lord Say and Seale; but all their letters shew that his greatest business with them was to prepare them to a better correspondence with the king.

81 But when the marquis smelled out the design against him, he gave the king an account of it, and told him, that if his majesty intended to go on in his affairs in a kingly way, he would wait on his commands, and expose himself to the displeasure of the house of commons; but if his majesty intended to settle matters by an absolute compliance with the parliament, then, he conceived, it was fit that his servants should use their endeavours for their own preservation, that so they might be afterwards useful to his service: yet, he said, he would do nothing for himself but by his majesty's allowance and direction, (being, it is like, taught more caution by the jealousies had been taken from his care of vindicating himself in the parliament of Scotland.) The king, upon this, allowed him to use all means for his own preservation, which he so managed

that the designed accusation came to nothing. This particular his sacred majesty vouchsafed to tell the writer, adding, that he had it from the queen his mother.

Anno 1642.

82 The tumults and disorders about Whitehall and Westminster rose to that height, that the king withdrew to Windsor in the beginning of the year. The Scotch commissioners continued treating about their engaging for Ireland, which the king pressed forward very earnestly: but some of the commissioners began to tamper with those who were most opposite to the court in the two houses, and instead of moderating them, were instigating them to persist in their demands about religion, to get episcopacy brought down and presbytery set up. To the first of these most assented, but few were cordial for the latter. In order to this, on the 15th of January the Scottish commissioners seconded the desires of the two houses with a paper which they presented to the king on that subject, and afterwards printed it.

83 The king was highly displeased that they were not satisfied with the opposition they made him in Scotland, nor with the concessions he had granted them there, but were now come to foment troubles in England. It was not long since they made loud complaints against the designed uniformity with England, and the interest the Englishmen had in managing the affairs of the Scottish kirk; and would they now act that 18
part which they had condemned in others? They could not allege that against episcopacy in England which they pretended in Scotland, that it had never been fully nor clearly settled in it, or that the stream both of clergy and laity had run cross to it: the contrary of all that was clear in England, where episcopacy was deeply rooted in their law. And ever since the reformation, for eighty years together, the church of England had flourished under episcopacy; so that it was the wonder and envy of the world, till of late, that some Brownists and other sectaries begun to disturb its quiet. They knew he declared the grounds on which he dispensed with episcopacy in Scotland were not from his own judgment about it, but merely to comply with their aversion to it; but the case was very different in England. All this he said for giving them

satisfaction, and it is the sum of what he repeated afterwards upon the like occasions. But in the end he told them their commission was not to mediate betwixt him and the two houses, and therefore on the 19th of January he signed the following order to Lanerick:

84 Charles R.

We have thought fit to require you to repair to the commissioners from our parliament of Scotland, and let them know, that we expected, before they should have interested themselves in any manner of way betwixt us and our parliament of England, they would (according to our desire expressed to them by our letter of the 13th of this instant) have acquainted us with their resolutions in private, and that for the time coming we are very confident (out of the respect due to us from them, and their earnest desires to shun mistakes and disputes) they will no way engage themselves in these present differences, without first they communicate their intentions with us in private, whereby all jealousies and suspicions may be removed, and they better enabled to do us service.

Given at our honour of Windsor, the 19th of January, 1641.

Directed,—*To our right trusty and right well-beloved cousin and councillor, the earl of Lanerick, our secretary for Scotland.*

85 After this the king sent Mr. Mungo Murray to Scotland with complaints of the commissioners, signified by the following letter to the chancellor:

Right trusty and right well-beloved Cousin and Chancellor, we greet you well.

As it hath been always our care and study to have a right understanding betwixt us and our subjects of Scotland, so nothing can joy us more than to hear the effects thereof to be such, as that they in peace and quietness enjoy the benefit of our courts of justice, and that under our government they reap the fruits of those sound and wholesome laws established in that kingdom by us and our predecessors for their good and happiness.

We cannot but take kindly from you, your representing unto us the miseries and afflictions to which our good subjects of Ireland are reduced, through the inhuman and unheard-of cruelties of the rebels 190
there. We on our part have left nothing undone which we thought could express how sensible we are of their sufferings: but the present distractions of this kingdom do both delay the sending of those necessary assistances and supplies which they ought to expect from hence, and prolong the treaty with our commissioners of Scotland;

so that if some extraordinary course be not taken for their present supply, it is not like their miseries will end sooner than their days. The consideration whereof induceth us to require you to move our council, that these forces that are already on foot in Scotland may be presently sent over thither, and we will oblige ourselves to see them readily and punctually paid by this parliament; which if they shall refuse to do, we will engage our own revenues, rather than delay so good and necessary a work: to which purpose we shall issue forth such commissions, and give such warrants under our great seal of England, as our council of Scotland shall think necessary for their service, and grant all such their desires for the advancement of this work as in reason can be demanded from us; and therefore do require you, with all possible diligence, to return us their resolutions herein, which we are confident will be such as will testify their respect to us and affection to their distressed brethren in Ireland.

And now we are confident we shall not need to remember you of those dutiful expressions of respect and fidelity you made to us at our late being in Scotland: for the same affection which produced those expressions will induce you to make them good by your actions. We remember well, you expressed your readiness to hazard both life and fortune for the maintenance of our temporal power; and even in matters ecclesiastic, though you wished uniformity therein betwixt the two nations, yet you would not interest yourselves in these differences further than should be with our knowledge and good liking. We wish our commissioners of Scotland had taken that course, and not meddled nor offered to mediate betwixt us and this parliament, before they had first made their intentions known unto us in private, according to our express desire, nor made their private advice publicly known unto both houses, which is now in print. We did conceive the intention of the commission granted them by us in parliament was for finishing the remainder of the treaty for settling of trade and commerce, and keeping a right understanding betwixt the two nations, not betwixt us and our parliament here. It is true, they were to receive their particular instructions from the council, which we believe to have been limited to these generals, which certainly never could have reached this particular. But we shall pass by this, and remember it no more, so we may find our council hereafter give them no further warrant to meddle any more betwixt us and this parliament, but in so far as we shall first know and approve of it; which truly we conceive to be the only means to shun those suspicions and jealousies that might breed any interruption of that happy understanding that is now established betwixt us and that our native kingdom.

Herein we expect your best endeavours, as a real testimony of your affection to our service. We do likewise think fit, that a double of all such instructions as have already been given or shall hereafter be given to the commissioners, be sent us, which will exceedingly conduce to the shunning of unnecessary mistakings. And in case there come any dispute betwixt us and our parliament here, about the nomination of officers and councillors, we hope you will remember upon what grounds we were induced to yield in this particular to the desires of our subjects in Scotland, it being our necessary absence from that our native country; and you in private did often promise, 191
upon occasion, to declare that this kingdom ought not to urge it as a precedent for the like to them, the reasons not being the same: therefore now you are to think upon the most convenient way to make good that promise, and labour to prevent so great an inconvenience unto us, which we expect from you as one of the most acceptable services can be done unto us.

P. S. [with his majesty's own hand.]—I have commanded this my servant Mungo Murray to tell you some things which I think not fit to write: therefore, desiring you to trust what he will say to you from me, I will now only add, that your affections rightly expressed to me (at this time) will do me an unspeakable service, to the effecting of which I expect much from your particular affection and dexterity.

Windsor, 26th January, 1642. CHARLES R.

86 His majesty also wrote to the same purpose to the marquis of Argyle, and added the following postscript with his own hand:

I cannot but thank you for your letter I received by Kinnoul, it being the performance of a promise you made at my last being in Scotland, not doubting but you will perform the rest with the same cheerfulness. And I assure you this is a time wherein the kything of your affection to me will do me an unexpressible service, as Mungo Murray will tell you more at large, whom I desire you to trust in what he shall tell you from me.

Windsor, 26th January, 1642. CHARLES R.

87 His majesty named the officers of the army that was to go over to the relief of the protestants in Ireland, choosing them so that they might be most acceptable to Scotland: and this he did both to gain the more upon them by his confidence, as

also to set those troublesome people out of the way; though this turned to the great prejudice of his affairs in Scotland, as shall afterwards appear. But for this advice the marquis deserved no share of the blame; for the king left him behind at London, to see what could be effectuated by mediation with those of the peers, whom he knew to love him; and it appears by the following note that he continued in his majesty's confidence.

88 HAMILTON, 192

I desire you to come hither to-morrow, not only to end our last discourse, but also upon other business of great importance; and you shall find that I am

Windsor, 1st February, 1642. Your constant friend, CHARLES R.

89 What that business was does not appear to the writer.

90 When the king withdrew further from the parliament, and went northwards, the marquis was kept at London by a great sickness of some months' continuance, the length of it being occasioned by his frequent relapses into fevers, and a lingering recovery out of them; yet his ill-willers at court represented the story of his sickness to be but feigned, that under that pretext he might desert the king when he needed his service most. But he hearing of this was resolved to be carried sick as he was to the king, which the king knowing, commanded him to stay till God gave him strength to come without prejudice to his health.

91 In March, the treaty between the parliament of England and Scotland was closed; and among other articles one was cast in, *that an uniformity of religion should be endeavoured betwixt the kingdoms.* But the king would do nothing that might seem to stop the Irish business, and therefore gave way to it, though he smelled the design of it abundantly well. Besides, the words being conceived in general terms, he would not oppose them; since he judged an uniformity of religion was to be endeavoured, as well as they did, but with this odds, that he thought the standard of it should be taken from England. As soon as this went home, the Scottish armies went over speedily in the beginning of April: and the Scottish council wrote to his majesty and the two houses, that they

designed to send the marquis of Argyle over to Ireland, but first to send him and the earl of Lowdon to London, to mediate betwixt the king and the houses: with which his majesty was pleased. But the houses excused it in a fair way, pretending that they judged Argyle's presence necessary in Scotland. Many wondered whence this jealousy of him did flow: some thought it was because the king consented to it, and therefore they misdoubted him: others apprehended that their jealousy was founded on the friendship that was betwixt the marquis and him; and that finding the marquis so inflexibly firm to the king's interest, and averse from theirs, they feared that Argyle's friendships and his was founded on the same designs.

92 At this time some of the marquis's enemies represented to his majesty that he made offers of the militia to the houses, with other things highly derogatory to his majesty's authority, and that he pretended a warrant for those offers was sent him by Mr. Murray of the bedchamber. These were the bad offices some fiery spirits studied to do to all who endeavoured the quenching of that flame which was like to 193
devour Britain; but notice being given of this to the marquis, he wrote Mr. Murray this answer:

93 Worthy Friend,

It is no new thing for me to find myself traduced to his majesty, but I should wonder very much if he give credit to a report grounded upon such improbabilities: for if his majesty would be pleased to call to mind how oft he repeated to me that he would never condescend to the parliament's demands concerning the militia, no not for an hour in the way it was, I am sure he will not think that I could engage myself to the parliament that he would perform that which he never gave me ground to believe myself.

And as for his return to London, I likewise affirm he never gave me cause to hope, let be to engage myself to the parliament for it. I have had the honour to be intrusted in divers employments from him, and he knows I never exceeded his instructions: I hope he will not now think me so mad, or so great a knave, as to do that which might bring him any inconvenience: for why should I be an undertaker to the parliament for either, having neither my instructions nor directions from him to mention to the parliament or any member there. But these reports proceed from such, who perhaps (if

the matter were looked into) have said what probably they will not make good, and so endeavour to make other men bear the burden. I am not sorry they have joined you with me in this, since it cannot prove your disadvantage, the thing being so eminently false.

I see my enemies' malice will have no end, and when they want other grounds, sickness is enough for them to take advantage of; but if they had been in the condition that I have been in these three weeks, they would have been more charitable; and so I leave them.

The uncertainty of my recovery hath made me write thus much to you, and truly not without trouble, that you may let his majesty know my innocency in these particulars, and that I still continue in a condition not able to attend him, which is a great grief to

Whitehall,
7th April, 1642.

Your faithful friend and servant,

HAMILTON.

94 In the middle of April, the king signified to his council in Scotland his design of going in person against the rebels in Ireland, which he purposed, both to put more vigour in the army by his presence, as also to refute those calumnies were spread upon him, as if he inclined to popery, and had been accessory to the late rebellion, with which damnable calumnies his enemies were beginning to asperse him. But the Scottish council, as well as the two houses, interceded earnestly with him against this design, pretending the hazard his sacred person would be in. Some judged that they were afraid lest by such a real argument the calumnies were cast on his majesty, and scattered among the vulgar for carrying on their designs, might be refuted; and some feared lest his majesty, had he gone to the army, might have gained too much upon their hearts, whereby he might have been in a condition to have overawed the two houses.

95 In May the Scottish council sent up the lord chancellor to 194
offer a mediation for a better understanding betwixt the king and the two houses, but the king was much irritated by the affront he had lately received before Hull from Hotham. He likewise found the chancellor insisting on uniformity of church government, therefore he ordered his return into Scotland; and gave him a full account of all had passed betwixt him and his two houses, requiring him to give a true representation of it to his council there. In the end of the month the marquis had recovered so much strength as to come and wait

on the king at York, where he would gladly have prosecuted his former counsels for advancing a settlement betwixt the king and his two houses: but he knew not how to advise the king to grant more than he had already yielded to, which (as the king said to him) was more than had been granted by all the kings of England since the conquest; adding, that though he had gone a great length in concessions to them, they had not obliged him by one favourable vote: so that nothing remained for the marquis but to lament the king's misfortune: yet he offered the uttermost of his services to him, and subscribed for the pay of threescore horse in the king's army. But he represented to his majesty the hazard of Scotland's concurring with the two houses; which the king might easily apprehend, both from the late carriage of their commissioners, and from what he knew of their temper, especially of the ministers' zeal and power with the people. For his own part, he said, he was able to do the king small service any where; but having neither interest, friends, nor followers in England, he would be but a burden to his majesty there: but if he could signify any thing, it was in Scotland, where he should use his utmost endeavours to divert them from assisting the king's enemies; for to expect aid from them was not to be thought upon. His majesty, judging this most expedient, sent him to Scotland, without any positive instructions, recommending only to him his service in general, of which he was so confident that he wrote the following letter after him:

96 HAMILTON,

I have no time to write particulars, and to persuade you to serve me I suppose that I have less need than time; therefore, in a word, this is a time to shew what you are, assuring you that at all times I will shew that I am

Your most assured and constant friend,

CHARLES R.

MEMOIRS

OF THE

LIFE AND ACTIONS

OF

JAMES DUKE OF HAMILTON.

BOOK IV.

Of the duke's and his brother the earl of Lanerick's negotiation in Scotland, till their imprisonment.

THE marquis came to Edinburgh in the beginning of July, and found very many disgusted with him for his late concurrence in the council at York, as a peer of England. He studied by all means to remove the wicked insinuations which some in England had sent to Scotland against the king: the most hurtful of them was, about his favouring of popery, and his designs of falling upon Scotland by force, as soon as he had mastered the two houses. These were zealously propagated by the emissaries from England, and all places sounded with the danger religion was in; so that he found his negotiation was like to prove again unfortunate. The only means by which he had any hopes of engaging Scotland in the king's quarrel, was to move that an invitation might be sent from Scotland to the queen for her return, (whom the tumults at London had driven beyond sea,) that she might mediate for a settlement betwixt the king and the two houses. This he judged might insensibly draw them on to own the king's service; for if the queen came upon their invitation, they would be obliged in honour to protect her, and see that she met with no injuries, and to resent such as should be done her;

and therefore he sent a confident friend to give his majesty an account of the posture things were in, according to the following instructions:

I. Show his majesty with what a prejudicated opinion I was 196
received, by reason of what I have done at York, which I still lie under.

II. Show in what temper I found this kingdom, occasioned (as I conceive) by the apprehension they have of his majesty's not observing what he hath already granted, if he shall be in a condition to force them; seeing it is believed, that what he hath given was against his will. Next, divers eminent persons apprehend, that if he obtain his ends by force, they will be neglected, and persons obnoxious to this kingdom cherished.

III. Show that some active men will not lie idle in so stirring times; and therefore his majesty would consider how to make use of them, lest otherwise they may be engaged, and with them the kingdom.

IV. Show that it will be impossible longer to delay the meeting of the commissioners for conserving of the peace, and what my part hath been therein; and therefore to consider, if it were not fit they were called by his majesty's warrant.

V. Show that I could not think of a better way to serve her majesty (for the present) than by procuring an invitation from the whole kingdom for her return; which proposition, if his majesty conceive fit for his service, and be acceptable to her majesty, I doubt not of the effectuating it; otherwise, it shall here end.

VI. Show that though I can be of no great use to his majesty any where, yet I conceive more here than at York; for albeit I still say I can undertake for nothing, yet I may possibly be able to prevent evil, if I can do no good.

VII. Show the miserable condition of my fortune, which occasioneth the not sending as yet the monies for entertaining the horse, which if the sale of land can procure shall be quickly remedied.

2 In August following there was an assembly, to which the king sent the earl of Dunfermline commissioner, with full assurances of his majesty's resolution to adhere to what was now settled by law, and to encourage all good motions for advancing of piety and learning: and it was also recommended to him, as his chief work, to keep the assembly within their own bounds; that they might not meddle with England, nor interpose in the differences betwixt the king and the two

houses. But this was not to be done except by authority backed with force; for there came a declaration from the parliament of England, which was very welcome to them, and had such a return as they of England desired. For the assembly declared prelacy to be the great mountain that lay in the way of the advancement of religion, which must first be removed before the church and work of God could be established; and nothing the king's commissioner said was able to divert them from this, so irresistible was their zeal. They also sent a petition to the council, desiring them to second their address to the king for an uniformity in church-government in all his dominions; and likewise desired that, by reason of the commotions were in England, the council would call together the conservators of the peace, (this was a court established by the late parliament, to see to the preservation of the articles of the late treaty with England.) The council, upon this, recommended uniformity in church-government, by a letter to the king, wherein they desired also warrant to convene the conservators of the peace: the assembly wrote also to the king to the same purpose.

3 The marquis represented to his majesty that their zeal for 197
this uniformity was so great, that no art could hinder them from petitioning for it; but if they could be preserved from deeds, their big words were to be answered with smooth language.

4 But as for the meeting of the conservators of the peace, he laid out the hazard of it to the king; for if he refused to convene them, it would raise jealousies in the people's minds, and there was ground to fear they would meet of their own accord if they were not called; which would be an affront to the king's authority, and might precipitate a rupture. But on the other hand, there was no small danger in their sitting, for of that number some were likelier to disturb than conserve the peace. To the letters from the assembly and council the king wrote the following answer:

5 Charles R.

By your letter to us of the 19th of this instant, August, we find you concur with our late general assembly in their desire to us about unity of religion and uniformity of church-government in all our three kingdoms; which cannot be more earnestly desired by you,

than shall be really endeavoured by us, in such a way as we in our conscience conceive to be best for the flourishing estate of the true protestant religion. But as for joining with our houses of parliament here in this work, it were improper for us at this time to give any answer: for since their meeting they have never made any proposition to us concerning unity of religion, or uniformity of church-government: so far are they from desiring any such thing, as we are confident the most considerable persons, and those who make fairest pretences to you of this kind, will no sooner embrace a presbyterial than you an episcopal. And truly it seems, (notwithstanding whatsoever profession they have made to the contrary,) that nothing hath been less in their minds than settling of the true religion, and reforming such abuses in the church-government as possibly have crept in contrary to the established law of the land: to which we have been so far from being averse, that we have by divers declarations and messages pressed them to it, though hitherto it hath been to small purpose. But whenever any proposition shall be made to us by them, which we shall conceive may any way advance the unity of the true protestant religion, according to the word of God, or establish the church-government according to the known laws of this kingdom, we shall, by our cheerful joining with them, let the world see that nothing can be more acceptable unto us than the furthering and advancing of so good a work. So we bid you farewell.

From Nottingham, the 26th of August, 1642.

6 All in Scotland called for the conservators sitting, and said that they must be on their guard when war was like to be on their borders: whereupon the council ordered the chancellor to convene them.

7 At this time all the Scottish commissioners returned from London, every thing that concerned the treaty being expeded: but the council thought it necessary to send the earl of Lindsay and sir John Smith to lie there for correspondence, of which they gave the king notice. With this his majesty was highly displeased; for he said they were either sent to 198
treat by virtue of the commission from the parliament, in which case they were not a *quorum*, or by the council's authority: if so, then he asked who warranted them to do that without his order? yet, to take away any ground of heats or jealousies, he empowered them to go, that they might see to the preserving the articles of the treaty. As for the conser-

vators of the peace, he gave the earl of Lowdon warrant to convene them against the 22nd of September, and sent Mr. Murray of the bedchamber, afterwards earl of Dysert, with instructions to inform them of all had passed betwixt him and the two houses; whose account of the state he found things in follows in a letter to my lord Lanerick.

8 My much honoured Lord,

When I arrived here, your brother was in Argyle; but upon knowledge of my coming, came himself, and brought that marquis with him to Hamilton, whither the chancellor went likewise, and there I attended all three.

I found them with the same affections and desires your lordship left in them, but, as they conceive, not so able to act as they were then. They apprehend the parliament of England will be much higher in their demands than at that time; as understanding now both the king's power and their own, which were then but upon forming, and promised a greater equality. The king's two messages to the parliament have likewise so discredited his majesty's affairs in this country, that they fear many forward enough before will now unwillingly engage in any way which may displease the parliament; yet they are resolved to do their best, and I believe say little less in this enclosed letter, signed by all three.

His majesty must expect, in point of religion, to be pressed for uniformity in church-government; and if his majesty may be moved to publish some handsome declaration satisfactory in that point, it would infinitely advance all his affairs in this country, and from hence have a powerful influence upon that.

The parliament hath gained much here by their last vote, and there is a very fine answer expected to their last message sent by the lord Maitland, which will extraordinarily confirm the former correspondence: if the king do not something plausible in the same kind, timeously and unconstrained, the two kingdoms will shut upon him, in despite of what his best servants can do.

Here is no order for publishing his majesty's declarations, and great care taken to the contrary, which occasions great prejudication in the common people's minds, and were very fit to be amended.

I am looked upon here with great jealousy, yet it lessens, because they see I am not busy. I am advised by your brother and the rest, for avoiding of suspicion, to go up to court, which (having despatched some particular business I have of my own) I am resolved to do. They have intrusted me with these particular queries, of which they

desire his majesty's resolution: if your lordship find opportunity, you may acquaint his majesty with them. They desire likewise your lordship may be sent down with a letter to the commissioners full of confidence, and allowing them all freedom in their consultations. In respect of this great meeting, your brother cannot make his journey to Holland; no act of that nature being now to be done, their opinion and authority not consulted: but I find them all right set in the thing, and truly so respective to the queen's person, it did my heart good to hear them. All the lords conservators which are with 199
you will receive summons: but it is not desired they should come down, and truly I believe their presence will do more hurt than good.

I must entreat your lordship to acquaint his majesty with these particulars, to receive his further commands, and convey them to,

My Lord,

Edinburgh, 10th Sept. 1642.

Your lordship's faithful humble servant,
M. Murray.

P. S.—The king must send to Newcastle directions concerning his ships, for their victuals are quite spent: my poor opinion is, they should be sent to Holland, where they may be safer, and attend the queen.

9 What the queries mentioned in this letter were, appears not to the writer: but for the letters and declarations the king sent to Scotland, they are all of one strain; and because the clearest and fullest was sent the next summer, I shall refer all to that, which shall be set down in its proper place. Only I have here inserted an account of the king's affairs with the two houses, written by Lanerick to one in Scotland, (whose name I find not set down, but believe it was to Mr. Murray,) and corrected with his majesty's pen in some places.

10 Sir,

As you desired me, I moved his majesty for a copy of the last message to the houses of parliament, which you will herewith receive. His majesty hath not as yet had any answer from them, but we are informed here, his messengers have been far otherwise received than he expected (since they were the carriers of so good a message): for the earl of Southampton, a better poster than the earl of Dorset, came to the house upon Saturday last, and as he was going to take his place he was called to, to withdraw. He said, he had a message to deliver them from his majesty, but received no

other answer than still a command to withdraw, which at last he obeyed: then they sent the black rod to him, requiring him to send the message to them by him; which he refused, having commands to deliver the message himself to the house. But they again pressed it, yet he still refused; at last they declared, that if any evil did arise from the not delivering of his message, they were free of it: whereupon he sent it to them by Mr. Maxwell, to which he received no other answer than their absolute command immediately to remove from town. The house of commons were something more favourable to sir John Culpeper, who after some debate was admitted into the house, (though not to his place,) but, as I am informed, delivered his message at the bar, and thereafter was commanded to withdraw. It was then taken into consideration whether or not he should any more be admitted as a member of that house; which was voted in his favours, so that it is like their answer will be returned by him: which I hear will only be to let his majesty know, that so long as his proclamations are out against the earl of Essex, (and such others their adherents, of whom they account themselves to be,) as traitors, and the standard up for rais- 200
ing of men to suppress them, they account themselves as out of his majesty's protection, and so incapable to treat.

By this the world will see whether his majesty or they be the occasion of this war, and of all the blood which is like to be shed in this unfortunate kingdom. His majesty hath left no means of accommodation unassayed, for he hath even descended to make the first offer of a new treaty; so careful is he of his subjects' lives, that for their safeties he is even prodigal of his own honour: and certainly he hath not a subject that hath honour, but will be sensible of the extremities he is now reduced into. I wish our countrymen may take it so to heart, as not to neglect this occasion of witnessing their affections to his majesty, by making some overtures for such a treaty, or offer of their service to him, (since his majesty is absolutely resolved to send no more messages,) as may be most for his majesty's honour and peace of his kingdoms: which if they shall refuse or despise, I hope we will not then forget that it is our king that is reduced to this necessity, and that we will never look on unconcerned where he is so deeply engaged. I hope you will pardon the trouble I give you in reading this long ill-written letter; for had I not been commanded to it by a power which, God willing, I shall never disobey, it had not been hazarded on by

Nottingham,
the last of August, 1642.

Your most humble servant,
LANERICK.

11 The marquis took all the pains imaginable on Argyle and Lowdon, to persuade them to a cordial owning of the king's service, as the only way to give Scotland a lasting interest in the king's affection, which also would make them famous all the world over. And since the Scottish troubles had involved the king in all his difficulties, it was just they should study to extricate him: and for the pretence of religion, with which the English were cajoling our Scottish clergy, he said he was to be pardoned, if he presumed to know them better than they could, assuring them that religion was only pretended by them. He took also a great deal of pains in many others, to prepare them against the day in which the conservators were to meet; to which Lanerick came with the following letter from his majesty:

RIGHT TRUSTY, &c.

12 Having been informed that, upon petition of the commissioners from our late general assembly, our council thought fit that you should meet for discharging of that trust imposed on you by us and our parliament, whereby all fair means may be used to prevent such troubles and divisions as may interrupt or endanger the common peace of our kingdom. And as it ought to be the continual study of all good and pious princes to preserve their people, so certainly it is the duty of all loyal and faithful subjects to maintain the greatness and just authority of their princes; so that without this reciprocal endeavour there can be no happiness for the prince nor security for the people. We are sure, our late actions in Scotland will to all posterity be an acceptable witness of our care in preserving the liberty of those our subjects, and our desire to settle perfect peace in that our kingdom. And we are also confident that the many good acts we have passed here since the sitting of this parliament (indeed denying none but such as denied us any power at all, and were never so much as demanded from any of our predecessors) will bear the like testimony of our affection to the good and peace of this kingdom, though the success hath not been alike. For though we have used our best endeavours to prevent the present distractions and threatening dangers; yet so prevalent have been the opposers of us and the peace of our kingdoms, that not so much as a treaty can be obtained, (though by our several messages we have descended to demand and press it,) unless upon such conditions, as would either, by taking all power of government from us, make us as nothing; or by forcing us to quit the protection of such as, for obeying us, (ac- 201

cording to law and their oath of allegiance,) they would have traitors, and so make us do an act unworthy of a king. Yet so desirous we are to save our subjects' blood, (which cannot but be prodigally spent if we be necessitated by force of arms to decide these unhappy differences,) that no sooner any such treaty shall be offered unto us by them, (which with honour and safety we can receive,) but we shall cheerfully embrace it. This we have thought fit to acquaint you with, that from ourselves you may know our love to peace, and we doubt not but your meeting at this time will produce something which will witness your tender respect to our honour and safety; and so much we do confide in your affections, and we shall absolutely leave the ways and means of expressing it to yourselves. So we bid you heartily farewell.

From our court at Stafford, the 18th of September.

13 This so far prevailed with them at their first meeting, that all things went very fairly; so that they sent a return to the king's letters, without making any judgment on the differences betwixt him and the parliament. They also resolved to mediate betwixt the king and the two houses, and for that end designed to send the marquis to Holland, with an invitation from Scotland to her majesty, for her return to mediate a peace betwixt the king and parliament. And the marquis got a paper signed by almost all the lords, not only those who were the best affected, but by Lowdon, Argyle, Waristoun, Mr. Alexander Henderson, and the other leaders of the party, containing an invitation for her majesty to come to Scotland, with assurance of security for her person, and the free exercise of her religion for herself and family (so that no others were admitted to share in it), and that they should concur with her majesty in mediating a peace betwixt the king and the two houses, which if it were rejected by the two houses they obliged themselves to engage for the king against them. This was carried with great address, and managed so prudently, that wise men called it the masterpiece of the marquis's life. Lanerick carried it to the king, to receive his pleasure about it, a note whereof follows written by Lanerick in general terms:

14 Divers of the most considerable of the nobility of Scotland have (by the earl of Lanerick) humbly offered unto his majesty their sense of the present differences betwixt him and his parliament of

England, which they conceive will hardly be reconciled so long as her majesty is at so great a distance; and therefore are persuaded it would conduce much for settling these distractions if her majesty might be moved to return and mediate in so good a work: for which end the marquis of Hamilton (if his majesty think fit, and 202
conceive it may be acceptable to her majesty) will be ready to go to Holland, humbly to invite her majesty hereunto, in name of this whole kingdom of Scotland, who will, as dutiful and faithful subjects, humbly join their endeavours and mediation with her majesty, that his majesty may have honour and contentment, and his people happiness and security under his royal government.

15 The king at first welcomed this proposition with a great deal of joy, but upon other grounds he thought not fit to listen to it; for his affection to the queen made him fear the hazard of her person so much, that this proposition was not entertained, which the marquis often regretted as a loss which could never be recovered: for this raised jealousies in the minds of the Scottish lords, as if the king had no confidence in them, which was cherished sufficiently by divers malecontents, upon which the marquis despaired of getting any good done in Scotland. All he judged possible thereafter was to prevent and provide against the evil he feared, and that he prosecuted with all the zeal he was master of; which his majesty understanding by Mr. Mungo Murray, cupbearer, wrote him what follows:

16 HAMILTON,

Your letter and this bearer hath so fully satisfied me, that I cannot be more confident in any thing than that you will—beside what you have—deserve that mark of favour I intend you. You know me too well to have more words spent upon you; only this, I think unfit to trust particulars to paper, having so trusty a messenger, whom I stayed this long, expecting daily a battle: but now I think the rebels want either courage or strength to fight before they be forced. So referring you to my servant Mungo, I rest

Wollerhampton, the 27th Octob. 1642.

Your most assured constant friend,

CHARLES R.

17 The next meeting of the conservators was on the 24th of November, where their strain seemed much altered to the worse; yet they still resolved to interpose in a mediation be-

twixt the king and the parliament of England: whereupon they wrote both to the king and the two houses, for a safe conduct to such as they should send up.

18 At this time there were great complaints of some encroachments made upon the privileges the Scottish nation had enjoyed in France: for redress whereof the council thought it necessary to send one to France, and made choice of the earl of Lowthian; and sent him first to the king, with the instructions they had given him, that his majesty might send him as his minister to negotiate that affair. One of the instructions was to get the marquis put in possession of the honour and revenue of Chastle-herault.

19 Upon the earl of Lowthian's coming to court, the instructions he had from Scotland were called for by his majesty, who judged he had no reason to allow this precedent of his subjects instructing his agents to foreign courts; and these are yet extant among Lanerick's papers. But the king caused 203
write them over in his name, so that there was no ground from this to charge any thing on the marquis, as tampering with foreign princes, which was publicly done by his enemies on this occasion; it having been ordinarily recommended by king James to all the ministers he sent from Scotland to France. Neither was this done without the king's particular knowledge and orders; for besides that the king gave that instruction with the rest, he very seriously recommended it by word of mouth to Lowthian's care, as he informed the writer.

20 After this, the marquis represented to the king that it were fit he should send down some person of quality to give fresh assurances and hopes, before they sent up their commissioners: whereupon the king sent down the earl of Lanerick, as the person who understood his thoughts best, and was ablest to second his brother in advancing his service. He came from Oxford in the beginning of December, and brought the following letter from the king to his brother:

21 HAMILTON,

Though the trust of this bearer needs not a credential letter, yet the civility of a friend cannot but under his hand as well as by word of mouth express his kindness and resentment of courtesies; which of late have been such, that you have given me just cause to give

you better thanks than I will offer at in words. I shall not neglect the lazy use of so trusty a bearer, by referring to him not only the estate of my affairs here, but likewise in what way you will be of most use to me: yet I cannot but tell you, I have set up my rest upon the justice of my cause, being resolved that no extremity or misfortune shall make me yield; for I will be either a glorious king or a patient martyr, and as yet not being the first, nor at this present apprehending the other, I think it now no unfit time to express this my resolution unto you. One thing more, (which but for the messenger were too much trust to paper,) the failing to one friend hath indeed gone very near me; wherefore I am resolved that no consideration whatsoever shall ever make me do the like. Upon this ground I am certain that God hath either so totally forgiven me that he will still bless this good cause in my hands, or that all my punishment shall be in this world, which without performing what I have resolved I cannot flatter myself will end here. This accustomed freedom will (I am confident) add cheerfulness to your honest resolutions, seeing, beside generosity, to which I pretend a little, my conscience will make me stick to my friends, assuring you I have none if I am not

Oxford, 2nd Decemb. 1642.

Your most assured constant friend,
CHARLES R.

22 This excellent letter will both show what pious resentments 204
his majesty carried along with him in the greatest perplexities of his affairs, and discover how he did not think that the marquis had either neglected or abused his trust. Lanerick acted with more briskness, and spoke more home and roundly than his brother, which preserved him in a high degree from the jealousies which the smoothness of his carriage brought upon him. Now the pulpits were not idle, for the ministers begun again to work on the people for the defence of the good cause now in hazard, which was echoed back with the applause of the vulgar.

23 At this time the marquis's friendship with Argyle grew to a coldness, which after a few months turned into an enmity; for he finding Argyle so backward in all motions for the king's service, and that he could not be prevailed upon to continue in a neutrality in the English quarrel, broke with him.

24 There was then in Scotland one Pickering, an agent from England, who studied to poison all with misinformations of the king's proceedings and designs. He wrote to Mr. Pym, that he found good inclinations with all in Scotland to own their

quarrel, and declare for them, only the marquis with his friends resisted it so powerfully, that till he were laid aside, the success of his negotiation was to be feared. Wherefore he advised to proceed against him roundly, and either to summon him to the house of peers, or to send down a warrant to pursue him in Scotland as the incendiary betwixt the two kingdoms: and he sent threatenings of this to the marquis; but he found his firmness to the king's service was proof against all attempts, and he could neither be caressed nor cudgelled out of it. Most of Pickering's letters, both to Pym and Clotworthy, were intercepted, from which I draw these accounts.

25 About the 20th of December there was a council day, (a particular account whereof I shall give, as I have it from a copy of a letter written to London,) in which the chancellor presented to the council a letter from my lord Lindsay, (then at London,) with the declaration of the parliament. But though the lords of that party knew nothing of this, yet by private letters, Lanerick had some conjectures of it beforehand. After the parliament's paper was twice read, Lowdon resumed it fully, and as soon as he had done with that, Lanerick delivered another letter from the king, with as large a declaration within it: and after it was twice read, Lanerick bade the chancellor resume it as faithfully as he had done the former; which accordingly he did. The first thing the marquis thought best to move, as that of the least importance, which yet would discover how the council was inclined, was the publishing the king's declaration. The lord Balmerino said, the parliament desired not theirs to be published, so it were officiousness to do it, but that it were injustice to publish the one without the other. The marquis asked, was that because we owed as much to the parliament of England as to the king: Lanerick added, he had a command from the king for it. Argyle answered, they sat there to good purpose if every message to them was a command; and they two let fly at one another for awhile with much eagerness. But the marquis and Balmerino took the debate off their hands, and managed it more calmly. The marquis said, the vote was to be stated, obey or not obey: the other answered, that was the bishops' way of proceeding, to 205
procure orders from the king without advice, and then charge

all who offered better counsel with disobedience. The marquis said, to what did they mean to reduce the king's authority, if he might not set out declarations for removing the aspersions were cast on his person and government; or, would they speak plainly, were they afraid that his subjects might have too good an opinion of him if they heard himself. There appeared a variety of opinions before it was put to the vote: some were for printing both, some were for printing neither; some for printing the king's and not the parliament's, and one had a singular opinion for printing the parliament's and not the king's. There were one and twenty councillors present, and it being put to the vote, print or not print, there were eleven who voted *I,I,I* and nine voted *No,No,No*. This being carried, that the king's declaration and not the parliament's should be printed, the marquis moved next, that the matter of these declarations might be considered. But the lord Balmerino said, the parliament of England was long in contriving their paper; and the king, and those about him, had been no doubt as long in forming the other; and if we shall fall upon a few hours' consideration to give our sense of them, *we were pretty fellows in faith:* which he twice repeated. This rude raillery touched the marquis in the quick, because he conceived these words were not so much a reflection upon himself as on the king, who (on another great occasion) had used the same expression. However they had sat and debated long, so they gave it over for that day. This is set down more particularly, because it was the first instance that these two parties fell visibly asunder; and henceforth they continued stated in two factions. But because I love not to name persons upon invidious occasions, henceforth all the other faction shall be designed by the general term of the *Church party*, (others calling them *Argyle's party,*) and the other the *Hamilton party*. However, the declaration was printed, which drew a large share of censure and hatred on the two brothers; but the king was so well pleased with their behaviour, that he wrote the marquis the following letter:

26 HAMILTON,

You know I am ill at words: I think it were best for me to say to you, (as Mr. Major did,) you know my mind, and indeed I know none of my subjects that knows it better; and having for the present

little else to give my servants but thanks, I hold it a particular misfortune that I can do it no better, therefore this must suffice. I see you are as good as your word, and you shall find me as good in mine, of being

Your most assured constant friend,

Oxford,
December 29th, 1642. CHARLES R.

P. S.—You cannot take to yourself, nor express to your brother, 206
better thanks than I mean to you both, for the service you did me the last council day.

ANNO 1643.

27 The next year begun with petitions, which were brought from divers shires and presbyteries, complaining of their publishing the late declaration; but the conservators of peace (who were for the most part of the church party) made this up the best way they could; for first, they declared a publication was not an approbation; next, they appointed the parliament's declaration to be also published. At this time the marquis and Traquair renewed their old friendship: and seeing these petitions coming in so fast, which did clearly insinuate desires of engaging in the parliament's quarrel, he, with his brother's and Traquair's advice, contrived a cross petition to be offered to the lords of council. And as the motion of it came first from him, so the first draught of it was from his pen, of which I find an account under Lanerick's hand: so little reason there was to charge him with juggling in that matter; though it was not fit he should have owned it, lest upon that account the church party might either have accused him as a plotter, or at least cast him from sitting and judging in it. The petition follows:

28 MAY IT PLEASE YOUR LORDSHIPS,

That whereas his majesty, with advice of his great council the estates of parliament, hath been pleased to select your lordships to be his councillors, and hath, by an act of the late parliament, committed to your lordships the administration and government of this kingdom, in all affairs concerning the good, peace, and happiness thereof; and in regard of that great trust reposed by his majesty and the estates of parliament in you, your lordships have been and will continue so careful to acquit yourselves of that weighty charge, as you may be answerable for all your actions and proceedings to his majesty and the estates of parliament, to whom (as we conceive)

you are and can only be accountable: and now we being informed of a petition presented by some noblemen, gentlemen, and others, to the commissioners, for conserving the articles of the late treaty, upon pretext of your lordships not sitting at that time, wherein it is represented that your lordships' late warrant for printing his majesty's letter hath occasioned great grief and heavy regret of all who tender the glory of God, his majesty's honour, and procuring unity of religion and uniformity in church government, the continuance of peace and union betwixt the two kingdoms; and fearing if at this time we should be silent your lordships should conceive us and the rest of the kingdom to be involved with them in the like desires, judgments, and opinions; and lest by our silence our gracious sovereign the king's majesty should believe us wanting in the duty and allegiance which by so many ties and obligations we owe to him 207
our native king, or that our brethren of England should apprehend the least intention or desire in us to infringe or any ways to encroach upon the brotherly union of the two kingdoms, so happily united under one head; we presume in all humility to clear ourselves and our intentions to your lordships and to all the world, and therewith to represent our humble wishes and desires for establishing his majesty's royal authority, and continuing that happy union betwixt the two kingdoms, which can never truly be conceived to be intended to weaken the head, whereby it is knit together, and without which it can have no subsistence.

The happy union of the two kingdoms under one head, our king, doth so much add to his majesty's greatness and strength of both kingdoms, that we British subjects cannot choose but wish that the said brotherly union be heartily entertained, and cherished by all fair and reasonable means, to which we conceive no one thing will so much conduce, as that the late articles of the treaty of peace, and conclusions taken thereupon about unity of religion, may be carefully and timeously prosecuted: wherein as our commissioners then, so we now, without presuming or usurping to prescribe rules or laws of reformation to our neighbour-kingdom (civil liberty and conscience being so tender that it cannot endure to be touched, but by such as they are wedded to, and have lawful authority over them,) notwithstanding, seeing the duty of charity doth oblige all Christians to pray and profess their desires that all were of the same religion with themselves, and since we all acknowledge that religion is the base and foundation of kingdoms, and the strongest bond to knit the subjects to their princes in true loyalty, and to knit their hearts one to another in true unity, we cannot but heartily wish that this

work of union so happily begun may be crowned and strengthened by the unity of church-government; and that your lordships with us may be pleased to represent it to his majesty, and both houses of parliament, as an expression and testimony of our affections to the good of our brethren in England, and of our desires to make firm and stable our brotherly union by the strong chain and bulwark of religion: but, as we have said, no ways intending thereby to pass our bounds, in prescribing and setting down rules and limits to his majesty, and the two houses of parliament, their wisdom and authority, in the way of prosecution thereof. The sense we have of the great calamities and irreparable evils which upon occasion of these unhappy distractions and mistakes betwixt the king's majesty and the two houses of England, (which if not speedily removed cannot but produce the fearful and prodigious effects of a bloody and civil war,) obligeth us, in the duty of Christians, and as feeling members of what may concern our common head the king's majesty, and the good and happiness of our brethren of England, humbly to represent to your lordships, that as we will not be wanting with our prayers, and our faithful and best endeavours, to assist in the removing of these unhappy mistakes and misunderstandings: so we heartily wish, and humbly petition your lordships, that from the deepness of your wisdom such happy motions may flow, as, upon that tender care of our sovereign's person and authority, peace and truth may be settled in all his majesty's dominions. Although we will not presume nor take upon us to prescribe laws and rules to your lordships, yet in all humility we entreat your permission to represent such particulars as we conceive, and are very confident, will conduce much to the removing of all these mistakes betwixt his majesty and his two houses of parliament, and be a ready mean to facilitate a happy and wished peace, and continue the brotherly union between the two kingdoms.

And first, that in answering the foresaid petition your lordships 208
may be pleased to do no act, which may give his majesty just occasion to repent him of what trust he so graciously expressed (in his letter of the date the 5th of December). He reposes in us his subjects of his ancient and native kingdom; for we cannot think that our brethren in England, or any other, can believe that the ground of this mutual union of the two kingdoms, by the several and respective unions to our prince and head, should weaken the strong bond whereby it is knit, and by which we are so firmly tied, by so many ages, and unparalleled lineal descents of an hundred and seven kings. Neither can we suppose that any good protestant, or true member of our church, can imagine, far less seduce others to believe, that by

the late treaty of peace, or act of union, we, as Scottish subjects, are in any sort liberated from the dutiful obedience which as Scottish men we owe to our Scottish king, or from that due loyalty which as Scottish subjects we owe to our native sovereign, for maintenance of his person, greatness, and authority ; or that thereby we are in any other condition in these necessary duties to our sovereign than we and our ancestors were and have been these many ages and descents, before the making of the said act, or before the swearing and subscribing of our late covenant, by which we have solemnly sworn, and do swear, not only our mutual concurrence and assistance for the cause of religion, and to the utmost of our power, with our means and lives, to stand to the defence of our dread sovereign's person and authority, in the preservation of religion, liberty, and laws, of this church and kingdom ; but also in every cause, which may concern his majesty's honour, we shall, according to the laws of this kingdom, and duty of subjects, concur with our friends and followers in quiet manner, or in arms, as we shall be required of his majesty or his council, or any having his authority.

Secondly, that if your lordships think it fitting to make any answer to the parliament of England their declaration, your lordships may be pleased not to declare, enact, or promise any thing which may trouble or molest the peace of this kirk and kingdom ; which by God's special grace, and his majesty's favour and goodness, we enjoy and have established unto us according to our hearts' desire, by the laws ecclesiastical or civil of this kingdom *respectivè*, and which his majesty since, by so many declarations and deep protestations, hath sworn to maintain inviolably.

Thirdly, that your lordships may be pleased to consider, that as nothing will more diminish his majesty's greatness, than that this kingdom should consume in civil war; so nothing will more conduce to the suppressing of insolent papists, malignant, schismatic, and disloyal Brownists and Separatists, the special, if not the sole promovers of these unhappy misunderstandings, than that heartily and freely, without respect of worldly and secondary considerations, we give to Christ what is Christ's and to Cæsar what is Cæsar's; by means whereof the truth and purity of religion shall be established, to the utter confusion of all these sectaries, true monarchical government firmly settled ; by which likewise laws and authority shall retain their ancient vigour and force, to the suppression of all commotions and tumultuous conventions, the bane and overthrow of all true religion and policy.

Fourthly, although there be nothing farther from our minds than

to presume to question or crave of your lordships an account of your actions, knowing perfectly, by the inviolable laws and customs of this kingdom, that to be only proper and due to the king and parliament, from whence you have that great charge and trust de- 209
livered unto you: yet we hope your lordships will give us leave, in all humility, to remember your lordships of your deliverance June 1642, and are confident that the said lords, the petitioners, neither have nor shall have necessity to trouble themselves nor the council with supplications of this kind, and that your lordships, in your wisdom, will take some course for preventing all occasions which may in any sort disturb the peace of this kingdom or make division among the subjects thereof.

29 This petition was signed by a great many noblemen and gentlemen; but though they took much pains to get ministers to concur in it, yet none of them could be drawn to it. This petition was presented with many hands at it to the council; and it was observed, that as it was written by a trusty friend of the marquis's, so also all his friends signed it, which made the author suspected, and did shew that his friends adhered (hitherto) to their duty and his example. All the answer the councillors returned to it was, that they should be careful to proceed as they should be answerable: but the preachers threatened damnation to all the authors and subscribers of it, and detestable neutrality became the head on which they spent their eloquence. The commission of the general assembly passed a severe censure on the cross petition, in a remonstrance they gave in against it, which was answered by a counter-remonstrance. Upon these cross tides of petitions that were offered to the council, the conservators of the peace resolved to send some commissioners to London, to mediate betwixt the king and the two houses, and endeavour chiefly the uniformity of church-government; for which end the commission of the kirk was also to send their commissioners to second them in it: and no resistance could be made to this, that was able to obstruct it. They also moved that the king should be desired to call a parliament in Scotland. The marquis and his friends opposed this vigorously, not that he was against a parliament, but judged the motion unseasonable; and thought the time prefixed at the last parliament, for the next, to wit, after three years, needed not be

anticipated. It was also put in their instructions to their commissioners, to press the king to put all papists from his person. The marquis and his friends also opposed this, not upon the account of the thing itself, but because it seemed to cast a scandal upon the king, as if his religion were to be suspected. But the church-party was strongest in this meeting of the conservators, and so carried every thing in it. The safe-conducts being come, they named their commissioners, the chancellor being the chief of them; and though Lanerick in the king's name excepted against the lord Waristoun, and produced the king's warrant for it, yet they named him, but were so wise as not to send him. They were also so discreet, that they appointed the commissioners to go first to the king. Things being thus determined, Lanerick took the start of them; but they were at court before him, he being detained by a garrison of the parliament's for some days.

30 In the end of February he came to Oxford, where he gave the king an account of the present state of the Scottish affairs, and that it was the advice of his majesty's truest friends in Scotland that he should entertain the commissioners with the best words he could give them, but should not by any means suffer them to go to London, since there were great grounds to fear they would engage too deep in 210 the quarrel if they went thither. This advice agreed so with the king's inclinations, that it could meet no resistance in his thoughts. When the commissioners arrived, they delivered their message; but the king repeated what was formerly told them, that Scotland and England had different laws and interests, and therefore it was to give the one kingdom too great an advantage over the other, to suffer them to come and be umpires in the present differences. They pressed their desires as warmly as they could, but all was in vain, for the king would by no means suffer them to go to London; and in particular he told the earl of Lowdon what grounds he had to believe they designed to raise an army for the parliament's quarrel, and that some of his fellow-commissioners would prove incendiaries rather than mediators. But Lowdon with great protestations denied that they designed to raise arms, and said to the king, these were but the misrepresentations with which the marquis and his brother abused his majesty.

As for the calling a parliament, the king said he saw no reason for it, and therefore would not anticipate the day that was already prefixed for it. But to the commissioners from the assembly the king gave the following answer, which I set down in his own words, having it written all with his majesty's own hand:

31 His majesty commends the zeal of the petitioners for the advancement of the true reformed religion, against heresy, popery, sects, innovations, and profanity, and always shall use his best and uttermost endeavours for advancing the one and the utter suppressing the rest.

For the unity in kirk government, his majesty knows that the government now established by the laws hath so near a relation and intermixture with the civil state, (which may be unknown to the petitioners,) that till a composed digested form be presented to him, upon a free debate by both houses of parliament, whereby the consent and approbation of the whole kingdom may be had, and he and all his subjects may discern what is to be left or brought in, as well as what taken away, he knows not how to consent to an alteration, otherwise than to such an act for the ease of tender consciences, in the matter of ceremonies, as his majesty hath often offered.

And his majesty hath formerly expressed himself (and still continues) willing that the debates of religion may be entered into by a synod of learned and godly divines, to be regularly chosen, according to the laws and customs of this kingdom; to which end his majesty will be very willing that some learned divines of the kirk of Scotland may be likewise sent to be present, and offer their reasons and opinions.

32 This was the success of that negotiation; but because the 211
reader may wonder how Lowdon and the marquis came to be in such terms, I shall set down the occasion of their breach.

33 When Lowdon was to go up, the marquis resolved on a course that should either stop his journey, or make him so obnoxious to the king that he should not dare to act contrary to his duty; which was this: Lowdon had purchased from the king a right to the annuities of the tithes that was confirmed to his majesty by act of parliament, whereupon the marquis caused the following petition to be drawn by Traquair's advice.

34 *To the king's most excellent majesty, the humble petition of the noblemen, barons, and gentlemen, occasionally met at Edinburgh,*

HUMBLY SHEWETH,

That whereas your majesty at your late being in Scotland, being humbly moved to disburden and liberate the subjects of this kingdom of the annuity due to your majesty out of the tithes, were pleased in that only particular to delay to give us our heart's desire, and now, out of the sense of the great burdens that lay on us, and in confidence of the continuance of your majesty's fatherly care of the good of your subjects, we presume humbly to supplicate your majesty to be graciously pleased in this particular to dispense with your own benefit: or at least till your majesty be informed of the true state thereof, to discharge execution against us for the said annuities. And for your majesty's incomparable goodness and gracious favours, we shall, as in duty bound, behave ourselves in every thing as becometh loyal and faithful subjects. As we have unanimously endeavoured, so shall we still continue to return such thankful acknowledgment, as may give to your majesty a real testimony of our zealous affections to your majesty's sacred person, honour, and greatness, derived upon your majesty by so many unparalleled descents, and as your majesty may expect, and justly challenge from the allegiance of us your majesty's most obedient and obliged subjects.

16*th February*, 1643.

35 The last words of this petition were by the first draught so conceived as would have amounted to a bond of mutual defence and adherence, which the marquis thought might draw on a rupture, and occasion a pursuit as against plotters; therefore, since this paper was to be avowed and public, he judged such expressions as were smooth and general were fittest for their design.

36 This petition was signed by him and a great many of the nobility; he also sent it up and down all the places where he or his friends had interest, to get subscriptions to it. This was generally looked upon as a well couched bond, both by such as took it and those who refused it; and yet this smoothing of the expressions of it was represented by the marquis's enemies as done in prejudice to the king's service. These petitions were sent immediately to the king; upon which great complaints were made, as if by these immediate 212

addresses the judicatories of Scotland had been neglected: but the king justified that part of it in an answer he wrote to the council; and for the thing itself, he resolved to keep Lowdon under the fear of it, and therefore delayed to make any answer.

37 In the end of February her majesty landed at Burlingtown, whither the earl of Montrose went to represent to her the hazard of a new rebellion in Scotland, and that the only way to prevent it was to take the start of them before they were ready; and with a great deal of forwardness offered his service in that design, adding, that he had great assurances of a considerable party, who he knew would own the king's quarrel: but he did not condescend on the particular way of prosecuting it, so that the queen was not satisfied of his being able to effectuate what he undertook. Meanwhile the marquis hearing of her majesty's landing, went to wait on her, to whom she proposed the earl of Montrose's offer; but he studied by all means to divert her from listening to it, upon the following grounds:

38 The king had settled a treaty with Scotland, and till that were violated on their part, he knew his majesty would never consent to a rupture on his part: and the king had so often and so lately, in his letters and declarations, protested he was resolved unalterably to adhere to the late settlement, that if he should now authorize the first breach, it would bring an indelible stain upon his honour, and create a perpetual diffidence in his subjects of all his concessions and assurances. He confessed he had great fears of Scotland, and therefore would undertake for nothing but his own faithfulness and diligence; yet he hoped to get things kept in agitation all that summer, so that for that year there should not be a Scottish army in England. But that was the utmost of his hopes; yet it was much fitter to spin out things as long as could be, than to precipitate them by an over hasty rupture: besides, he could not see how any hopes could be conceived from that design of force. There was never a castle nor strength in Scotland in the king's power, to which they might retire. The vulgar were still at the ministers' devotion, and by late and fresh experience they saw them all as one man resolved to die in the defence of the covenant; and any handful of gentry could be gathered to-

gether would signify nothing but to expose their own throats to their enemies' rage, and the king's authority to their hatred and scorn: so there remained no hopes but in the highlandmen, which he accounted as good as none. Their two chief heads were the marquisses of Huntley and Argyle; the former was not to be much rested on, being unable to do what so brisk an undertaking required, and they knew well what to expect from the other. Besides, any companies could be brought down from the highlands might do well enough for a while, but no order could be expected from them, for as soon as they were loaded with plunder and spoil, they would run away home to their lurking holes, and desert those who had trusted to them. And after all this, there was a Scottish army in Ireland, which was now well trained and disciplined, consisting of ten thousand men, who were for the most part at the covenanters' devotion, and these would be instantly brought over, there being no way to stop their passage: and it was not to be imagined that any body of an army could be raised in Scotland able to resist that force. Upon these reasons it was, that he 213
not only dissuaded the queen from consenting to a present breach, but resisted it as long as was possible; yet he undertook for none but himself, of which he put the queen frequently in mind, and the utmost of his expectation was to drive off matters for that year. And in this both my lord Traquair and Mr. Murray concurred with him, and desired the whole matter might be laid before his majesty, that his pleasure might be made known about it; but after a few days' waiting on the queen the marquis returned back to Scotland.

39 The Scottish commissioners continued all this while at Oxford, giving in papers and receiving answers, but advancing nothing; and the last answer they got from his majesty, the 19th of April, containing both the substance of their papers, and of his majesty's former answers, will give a clear account of the grounds on which his majesty went. The paper follows:

40 It is acknowledged by his majesty, that if any one of the articles of treaty had been broken or violated, (as his majesty doth not so much as see pretended,) or any debate or difference had risen thereupon, (about which there is now no dispute,) the commissioners had then been not only warranted, but obliged to have laboured to pre-

vent all troubles and divisions which might arise by such a breach to the disturbance of the common peace, and to remove and compose all such differences, according to such power as was granted to them: but till his majesty be satisfied that authority (by some law) is given to the commissioners for conserving the articles of treaty to represent his majesty's native kingdom of Scotland in this offer of mediating for a desired and blessed pacification here, his majesty cannot see how the pious, dutiful, provident, or charitable concernment of that kingdom in the calamities of this, or their sympathy and sense of the troubles of their head and fellow subjects, can interest the commissioners any more than any other of his good subjects of that kingdom to bestir themselves in matters of that kind, or why any such endeavours should be by any (much less universally) expected from them: so far is he from seeing that any undeclinable necessity constrained them to it. And since the express words of the act of pacification itself are, that the power of the commission shall be restrained to the articles of peace concluded in the treaty, his majesty cannot but wonder, whence they can pretend any obligation or authority to meddle with, or press him concerning any such articles as are not included, but still left dependent, how important soever they suppose them to be, (even to the common peace): and it giving them only liberty to convene to that effect among themselves, or with the commissioners chosen by his majesty with consent of the parliament of England, and restraining them in all their proceedings to the power granted to them, in manner aforesaid and no otherwise, as clearly intending to restrain all power that might be pretended to by any inferences, analogies, or consequences, (how manifest soever they might appear,) and requiring them to consist of the number of twelve, and not giving them power to delegate a smaller number; his majesty cannot consent that that number the laws allow not, (that is, three,) should address themselves to those the law hath not appointed them, (this is, both houses,) not only concerning that which the law intrusted not to them, (as a pacification here,) but even concerning that from which the law expressly restrains them, that is, one of the articles of the treaty no way concluded or agreed on, but expressly reserved by the parliament to be considered in due time, that is, in their own time, concerning church government, the 214
intermixture of which with the civil state, as his majesty still conceives to be very great, and of very high concernment, and not to be understood by the commissioners, who have not the knowledge of the laws and policy of this kingdom, so his majesty is confident, (notwithstanding the declaration and bill, abolishing the order

of bishops,) that if they well knew how generally any thing of that kind was opposed whilst the houses continued full, and how the major part of both houses were absent at the passing of that declaration and bill, (insomuch that his majesty is credibly informed that there were not above five lords present when the bill passed,) and what violent and tumultuous assemblies had occasioned so great and unusual absence, they would be confident, as he is, that in a full and peaceable convention of parliament both houses will appear to be of the same opinion with his majesty in this particular, and to have in that the same thoughts of the law and policy of this kingdom.

His majesty's care that the deluge of the troubles of this kingdom affect not that with the danger of the like, is very visible to all the world. His majesty, out of his great desire of continuing them in peace and tranquillity, not desiring any assistance from them, even for his own preservation. And whoever doth desire any commotion there, to assist their rebellious and invasive arms here, will (he hopes) be looked upon as the troublers of peace, and as incendiaries labouring to lay foundations of perpetual hostility betwixt the two kingdoms. And then (for aught his majesty can see) there will be no cause to expect any commotions there, and such dangers will rather prove imaginary than real, though the conservators of the treaty contain themselves within their legal and proper bounds. His majesty wonders, that since his approbation of their mediation was desired when his safe-conduct was asked, and the first was not given when the latter was, that it should not have been easily seen by these proceedings of his majesty's, that as he never granted the first, (as seeing no authority they had for such a mediation,) so he only at last granted the other, as being contented to hear what they could say to him upon that point, either as private persons, or to give him better satisfaction than he could give himself, what right they could pretend to any public capacity of that kind: but having heard all they have offered, and not finding any thing that warrants them in this, in any special manner above his majesty's other subjects, his majesty cannot with reason admit of any private persons whatsoever into such a public capacity, nor, with his own dignity, and that of this nation, can allow his subjects of another kingdom, not authorized by any law, to make themselves (under the title of a mediation) umpires and arbitrators of the differences here.

For the calling of a parliament in Scotland, his majesty desires to know what promise of his it is which they mention him to have particularly expressed to his late parliament. The law which his majesty

then graciously passed concerning that point his majesty well remembers, (and will justly, punctually, and religiously observe it, together with all the rest consented to by him,) that the parliament there shall convene upon the first Tuesday of June, 1644. And, according to the same act, will appoint one betwixt this and that day, if his majesty shall think fitting; who, as he is by that very law expressed to be sole judge of that convenience, so the commissioners are neither by that nor any other law intrusted or enabled to judge thereof.

At Oxford, 19th of April, 1643.

41 In the beginning of April reports came to Scotland that 215
their commissioners at Oxford were under restraint; whereupon the conservators met, and ordered their speedy return. The marquis wrote also to the king, that their return should be by no means stopped or delayed; otherwise he might expect present disorders in Scotland: but withal he told him, he apprehended upon their return some great resolution would be taken; therefore he desired his majesty would send down all the Scottish lords that were about him, who might by their votes in judicatories, or by their interest in the country, advance the king's service in Scotland. He likewise desired his majesty might divide his trust in Scotland among those noble persons whose fidelity he did not suspect, that thereby both himself might be delivered from the odium and danger of acting alone in such tender points and in that ticklish time, as also for a further encouragement of those who were resolved to adhere to his majesty: and with this he wrote the following letter to her majesty, then at York, under whose address his letters to the king were to go:

42 May it please your Majesty,

There is as yet small or no alteration in the condition of affairs in the country since I presumed to trouble your majesty last; nor do I believe there will be any till the fourth of May, at which time it is probable the final resolution of the council and commissioners for conserving the articles of the treaty will be taken. It is still conceived that his majesty's absent servants would be of great use at that time; and the uncertain knowledge, if they will come or not, keeps us that are here from a positive resolution what course to take therein: therefore I humbly beseech your majesty, let us know if by appearance we may expect them or not.

There is a general noise, as if the lord-chancellor and the rest of the commissioners were not only kept as prisoners, but in some further danger. By Mungo Murray your majesty was advertised that it was conceived fit, that seeing those that sent them had so positively recalled them against the fourth of May, they should be despatched against that time. In our opinions there was no danger now to be apprehended by their home-coming, but there would arise great inconveniences if they should be detained: of that same judgment we continue to be still.

We do likewise humbly entreat that we may know, if what was proposed to your majesty by my lord of Traquair, Mr. Murray, and myself, be come to his majesty's knowledge: and if we may expect the signification of his pleasure against the fourth of May, in these particulars, which we exceedingly wish.

By the lord Montgomery your majesty will know how far the general hath promised his best endeavours that his majesty shall receive no prejudice from the army under his command in Ireland; the same he hath confirmed to me with deep protestations, and truly I take him to be a man of that honour that he will perform it.

But the truth is, it will be a work of great difficulty to keep these men there any time, seeing there is little appearance that money will be got from the parliament of England, and how to raise any considerable sum here, as yet we see not; so even in this we desire to know your majesty's pleasure and directions, what course will be fitest to be taken; and if your majesty shall find it expedient, that 216
we engage our fortunes for their supply, many of us will do it to the last penny, and none more readily than,

May it please your majesty, the humblest,
most faithful, and most obedient of all
your majesty's servants,

Peebles, 21st April, 1643.

HAMILTON.

43 But at Oxford the commissioners insisted warmly for a permission to go to London for mediating; and his majesty persisting in his refusal, the lord-chancellor resolved on making a protestation, that his majesty, by not suffering them to go to Westminster, had violated the safe-conduct. My lord Lindsay, who was ordered to come from London, and second the chancellor in this negotiation, did all he could to divert him from that resolution; but the other said he had positive orders from Scotland; he was also piqued with the petition

about the annuities, and got a great disgust by a letter of his lady's, which not coming under a right cover had been intercepted, and brought to his majesty, wherein severe things were said against the king's cause and party; and particularly the marquis was bitterly inveighed against for having given himself up so entirely to the king's service, that he designed the ruin of all who opposed it. The chancellor came, and made his last address to the king, for liberty to enter on a mediation betwixt him and the two houses: adding, that if that were denied, he would be constrained to protest in the names of them who sent him, that his majesty's conduct was violated. But the king was not shaken with it, only he took the chancellor apart, and used many persuasions to divert him from it, and made him great offers if he would comply with his desires: for the king apprehended that it might have precipitated a breach betwixt him and Scotland. But the chancellor said he acted by a trust committed to him, which he must discharge faithfully, and obey the orders sent him from those in whose name he came; and said much to assure the king there was no design in Scotland to own the quarrel of the two houses against his majesty, and protested he should die rather than concur in such courses. But this did not satisfy his majesty; whereupon, finding the chancellor could not be wrought upon, his next attempt was upon Lindsay, to whom he spake with more freedom, and told him in how great a strait he was; for it seemed, if he refused to allow their going to Westminster a breach might follow betwixt him and his native kingdom: but on the other hand, he could not permit them to go, both because of the reasons he had alleged, and the fears he had of their engaging with the parliament; and chiefly, that all his councillors and officers at Oxford were so far against it, that he heard it was whispered amongst them that they would all forsake him if he gave them leave, since they held themselves assured that the design of their going was to bring an army from Scotland: wherefore he entreated Lindsay would serve him in that particular, which he undertook frankly, though he added he had small hopes, since he had already attempted as much as he could with no success. But as he left his majesty he made a visit in his way to his lodgings, where he met the earl of Crawford,

who told him plainly, that though the king should consent to 217
their going to London, thither should they never get; for a great many were resolved to lie in their way, and cut them all to pieces ere they were many miles from Oxford. This he confirmed to him with many oaths, adding, that as the king knew nothing of it, so it would not be in his power to hinder it; and out of kindness to my lord Lindsay, he advised him not to go, though the chancellor went. With this Lindsay came to his lodgings, and showed the lord-chancellor the hazard, not only their lives would be in, but of the irreparable breach would follow upon it; which being considered by them, it was resolved they should pass from their desires, and crave the king's commands for Scotland, since they would not offend him by the importunity of an unacceptable mediation: which they accordingly did, to his majesty's great satisfaction. And so they took leave, the chancellor with the other commissioners going for Scotland; only Lindsay returned to London. Upon this, his majesty sent all the Scottish lords then at court to Scotland, to serve him there, who were the earls of Morton, Roxburgh, Kinnoul, Annandale, Lanerick, and Carnwath; but before they could be despatched, he sent Mr. Murray to Scotland with an account of his opinion about the services his friends might do him there; who came by York, and brought from the queen the following letter to the marquis, in answer to what he had written to her majesty: which (though written in French, as all her private letters were, yet) I shall set down, translated in English, that all may run more smoothly:

44 Cousin,

I received your letter with the assurances of the continuance of your affection, of which I hold myself secure, and make no doubt to see both the effects of it and of that which you promised me at your parting concerning my lord of Argyle. Will. Murray came yesterday from Oxford: as for news from hence, I refer you to Henry Jermine, who will give you an account of them: I shall only tell you, that the Scottish lords who were with the king are on their way for Scotland, so likewise are the commissioners that were with the king. You will know from Will. Murray the king's answers to the propositions which you made me at York. I am very glad to know by your letter, as likewise by what my lord Montgomery

hath told me, the protestations general Lesly makes concerning the armies in Ireland; and now, when all the king's servants shall be together, you must think of the means for preserving that army: for my part I know not what to say farther about it; I am now upon my going to the king, and hope to part hence within ten days. If there be any thing that hath occurred of late, I shall be glad to know it, and that you will believe how much I am

Your affectionate cousin and friend,

HENRIETTA MARIA R.

45 About the beginning of May, Lowdon and the other com- 218
missioners came down, and a day after them came the earl of Morton, who told the marquis, that in a few days he should see the earls of Roxburgh, Kinnoul, and Lanerick, with the king's instructions; but by reason of Kinnoul's infirmity, and Roxburgh's age, they moved slowly. On the 21st of May the junto of the church-party moved that there might be a joint meeting of the council and conservators of the peace and commissioners for public burdens, to consider of the present state of affairs. The marquis and Morton resisted this all they could, but they were overruled; and so these judicatories met: to them it was proposed, that considering the hazard the nation was in, by reason of armies which were now levying in the north of England, there was a necessity of putting the kingdom in a posture of defence, which could not be done without a convention of estates or a parliament; wherefore it was moved that a convention of estates should be presently called. The marquis argued much against it, shewing that this was to encroach upon the king's prerogative in the highest degree, and so would be a direct breach of the peace with the king, and against the laws of the land; adding, was this all the acknowledgment they gave the king for his late gracious concessions, for this struck at the root of his power. In this he was seconded by my lord Morton, but most vigorously by sir Thomas Hope the king's advocate, who debated against it so fully, from all the laws and constant practice of Scotland, that no answer could be alleged; and indeed discharged his duty so faithfully, that the marquis forgave him all former errors for that day's service. But it was in vain to argue where the resolution was taken on interest more than reason; so it was carried that the lord-chancellor should summon a convention of estates against the 22d of June.

This resolution being taken, they gave advertisement of it to the king in the following letter, which all who voted against it refused to sign:

46 MOST DREAD SOVEREIGN,

The extreme necessity of the army sent from this kingdom, by order from your majesty and the parliament here, against the rebellion in Ireland; the want of means for their necessary supply, through the not payment of the arrears and maintenance due to them by the parliament of England; the delay of the payment of the brotherly assistance, so necessary for the relief of the common burdens of this kingdom, by reason of the unhappy distractions in England, and the sense of the danger of religion, of your majesty's royal person, and of the common peace of your kingdoms, have moved your majesty's privy-council, the commissioners for conserving the peace and common burdens, to join together in a common meeting, for acquitting ourselves in the trust committed to us by your majesty and the estates of parliament; and having found, after long debate and mature deliberation, that the matters before-mentioned are of so public concernment, of so deep importance, and so great weight, that they cannot be determined by us in such a way and with such hope of success as may give satisfaction to your majesty, serve for the good of this your majesty's kingdom, and as may make us answerable to the trust committed to us by your majesty's parliament; we have been constrained to crave the advice and resolution of a convention of the estates to meet June 22d, which, as according to the obligation and duty of our places we are 219
bound to shew your majesty, so do we humbly entreat, that against the time agreed upon by common consent your majesty may be graciously pleased to acquaint us with your pleasure and commandments, that matters may be so determined, as may most serve for the honour of God, your majesty's service, and well of your kingdoms; which now is and ever shall be the earnest desire and constant endeavour of

Your majesty's faithful and humble
subjects and servants,
Lowdon Cancellarius,

Leven	Balmerino	T. Myrton	J. Home	Edward Edgar
Argyle	Yester	Tho. Hope	T. Wauchop	J. Binny
Cassilis	Burghley	A. Johnstoun	T. Raffrerland	W. Glendoning
Dalhousy	Balcarres	T. Hepburne	T. Bruce	Hugh Kennedy
Lauderdale	Gibson-Dury	J. Hamilton	J. Smith	G. Gourdon

Edinburgh, 2th May,
1643.

47 Three days after this came the lords who were sent down, who being all met, Lanerick delivered the following instructions from his majesty :

CHARLES R.

Instructions to our right trusty and well-beloved cousins and councillors, James marquis of Hamilton, William earl of Morton, William earl of Glencairn, Robert earl of Roxburgh, George earl of Kinnoule, David earl of Southesk, William earl of Lanerick.

I. That you endeavour by all fair and lawful means to prevent division among our subjects in Scotland.

II. That you give all the assurances in our name which can be desired, of our resolution to preserve inviolably the government of that kingdom, as it is now established by assemblies and parliaments.

III. That you take what courses you shall think most fit for causing print and publish, either in Scotland or at York, our Declaration, which we now send with you to that our kingdom, and all such other papers as we shall hereafter send thither, or which you shall conceive may conduce to the good of our service ; and for that purpose make use of such blanks as we have thought fit to intrust you with.

IV. That seeing we perceived by Pickering's letters our two houses of parliament intend to send commissioners or agents to Scotland, you shall endeavour by all fair means to hinder any of our judicatories to treat with them, and for that purpose make use of any of the foresaid blanks.

V. That seeing we conceive it would exceedingly conduce to the good of our service that the lords of session would explain the commission granted by us and our parliament to the conservators of the treaty, you shall for that purpose likewise make use of the foresaid blanks, either to them all in general, or to such of them in particular as you shall think most fit.

VI. That you endeavour to hinder the liberty which (possibly) ministers may take to themselves in the pulpits of censuring our actions or stirring up the people against us, and to that purpose make use of the said blanks to the council or commissioners of the assembly as you shall think necessary.

VII. That in case you apprehend any danger to our service from the return of the Scottish army in Ireland, you shall declare our readiness to contribute any thing which is in our power for the main-

tenance thereof, even to the engaging of our revenues in Scotland, for raising monies to be so employed; and to that end you shall make use of the foresaid blanks.

VIII. If you shall find it necessary, you shall likewise make use of some of the blanks to the council, declaring expressly our pleasure that that army shall not be recalled until we be acquainted therewith, and to the earl of Leven, discharging him to obey any orders whatsoever for that end until he know our further pleasure.

IX. If you shall find it necessary, you shall make use of some blanks to our council, recalling all former commissions which have been granted for levying and transporting of men out of that kingdom over to France or Holland.

X. You shall make use of these blanks to some of our council and exchequer, for discharging the arrears, and disposing a plenary right of the annuities to those particular persons that have petitioned us thereabout, and to surcease all execution against all others until the 31st day of August next.

XI. You shall make use of these blanks to such of our council and others, as you shall find fit, for encouraging them to attend the meetings of our council, and to continue the testimonies of their affection to our service, with assurance of our resentment thereof.

XII. We do hereby authorize our secretary the earl of Lanerick, by your advices to fill up these blanks, and to sign them with our court signet; and for his and your so doing this shall be your warrant.

From Oxford, the 21st April, 1643. C. R.

48 Besides this, Lanerick told that it was the king's positive pleasure that the first breach should not come from his party; but they should draw out things as long as was possible before they hazarded on a rupture.

49 As for the king's Declaration, the first draught whereof is extant, marked and corrected by the king's hand, it being so home and clear, though very long, I shall not contract it, but set it down at length.

His majesty's Declaration to all his loving subjects in his kingdom of Scotland. 221

50 Charles R.

As there hath been no mean left unattempted which the malice and wit of rebellion could devise to infect and poison the affections and loyalty of our good subjects of our kingdom of England, and

to withdraw their hearts from us by the most pernicious and desperate calumnies that could be invented to undervalue and lessen our reputation with foreign princes, by injuries and affronts upon their public ministers, and by presuming to send agents qualified for negotiation without our consent, and in truth to expose us and our royal authority to scorn and contempt, by assuming a power over us; so the pernicious contrivers of these bloody distempers have not delighted in any art more than in that by which they have hoped to stir up our good subjects of that our native kingdom of Scotland to join with them, and to infuse in them a jealousy and disesteem of our true affection and our gracious intentions towards that nation. To this purpose they have used great industry to convey into that our kingdom and to scatter and disperse there divers seditious pamphlets, framed and contrived against our person and government, and have sent agents of their own to reside there; and to promote their designs, one of whom, lately resident there, one Pickering, by his letters of the 9th of January, to Mr. Pym, assures him of the concurrence of that kingdom, and that the ministers in their pulpits do in downright terms press the taking up of arms, and in another of his letters to sir John Clotworthy, says, that the trumpet sounded to the battle, and all cried, *Arm, arm,* with many other bold, scandalous, and seditious passages, very derogatory from the duty and affection which we are most confident our good subjects of that our native kingdom bear to us. To this purpose they traduce us with raising and making war against our parliament, of having an army of papists, and favouring that religion; of endeavouring to take away the liberty and property of our subjects: and upon these grounds they have presumed by a public declaration to invite our good subjects of our kingdom of Scotland to join with them, and to take up arms against us their natural liege lord. Lastly, to this purpose they endeavour, as well in public as by secret insinuations, to beget an apprehension in them, that if we prevail so far here, as by the blessing of God to preserve ourself from the ruin they have designed to us, the same will have a dangerous influence upon that our kingdom of Scotland, and the peace established there; and that our good laws lately established by us for the happiness and welfare of that our native kingdom will be no longer observed and maintained by us, than the same necessity which they say extorted them from us hangs upon us, but that we will turn all our forces against them: a calumny so groundlessly and impiously raised, that if we were in any degree conscious to ourself of such wicked intentions, we should not only not expect a dutiful sense in that our native kingdom of our

sufferings, but should think ourselves unworthy of so great blessings and eminent protection as we have received from the hands of the Almighty, to whom we know we must yield a dear account for any 222
breach of trust or failing of our duty toward our people.

But as we have taken special care from time to time to inform our good subjects of that our native kingdom of the occurrences here, particularly by our Declaration of the 12th of August, wherein is a clear, plain narration of the beginning and progress of our sufferings to that time; so the bold and unwarranted proceedings of these desperate incendiaries have been so public to the world, that our good subjects of Scotland could not but take notice of them, and have observed, that after we had freely and voluntarily consented to so many acts of parliament, as not only repaired all former grievances, but also added whatsoever was proposed to us for the future benefit and security of our subjects, insomuch as in truth there wanted nothing to make the nation completely happy but a just sense of their own excellent condition, a few discontented, ambitious, and factious persons so far prevailed over the weakness of others, that instead of receiving that return of thanks and acknowledgment which we expected and deserved, our people were poisoned with seditious and scandalous fears and jealousies concerning us; we were encountered with more unreasonable and importunate demands, and at last were driven through force and tumults to flee from our city of London, for the safety of our life. After which, we were still pursued with unheard-of insolences and indignities; and such members of either house as refused to join in these unjustifiable resolutions were driven from these councils, contrary to the freedom and liberty of parliament, insomuch that above four parts of five of that assembly was likewise forced, and are still kept from thence; our forts, towns, ships, and arms were taken from us, our money, rents, and revenue seized and detained; and that then a powerful and formidable army was raised and conducted against us, (a good part of which was raised and mustered before we had given our commissions for raising one man;) that all this time we never denied any one thing but what by the known law was unquestionably our own; that we earnestly desired and pressed a treaty, that so we might but know at what price we might prevent the miseries and desolation that were threatened; that this was absolutely and scornfully refused and rejected, and we compelled, with the assistance of such of our good subjects as came to our succour, to make use of our defensive arms for the safety of our life, and preservation of our posterity. What passed since that, battle hath been given us, our own person and our children endea-

voured to be destroyed, those unheard-of pressures have been exercised upon our poor subjects by rapine, plundering, and imprisonment, and that confusion which is since brought upon the whole excellent frame of the government of this kingdom, is the discourse of Christendom. We are very far from making a war with or against our parliament, of which we ourselves are an essential part: our principal quarrel is for the privileges of parliament, as well those of the two houses as our own; if a few persons had not, by arts and force, first awed and then driven away the rest, these differences had never arisen, much less had they ever come to so bloody a decision. We have often accused these persons against whom our quarrel is, and desired to bring them to no other trial than that of the law of the land, by which they ought to be tried. As we have been compelled to take up these defensive arms for the safety of our life, assaulted by rebellious arms, the defence of the true reformed protestant religion scornfully invaded by Brownists, Anabaptists, and other independent sectaries, (who in truth are the principal authors and 223
sole fomenters of this unnatural civil war,) for the maintenance of the liberty and property of the subjects, maliciously violated by a vast unlimited arbitrary power, and for the preservation of the right, dignity, and privileges of parliament, almost destroyed by tumults and faction: so what hath by violence been taken from us, being restored, and the freedom of meeting in parliament being secured, we have lately offered (though we have not been thought worthy of an answer) to disband our army, and leave all differences to the trial of a full and peaceable convention in parliament, and we cannot from our soul desire any blessing from heaven more than we do a peaceable and happy end of these unnatural distractions.

For the malicious groundless aspersion of having an army of papists; though in the condition and strait to which we are brought, no man had reason to wonder if we received assistance from any of our subjects of what religion soever, who by the laws of the land are bound to perform all offices of duty and allegiance to us; yet it is well known that we took all possible care, by our proclamations, to inhibit any of that religion to repair to us, which was precisely and strictly observed, (notwithstanding even all that time we were traduced as being attended by none but papists, when in a month together there hath not been one papist near our court,) though great numbers of that religion have been with great alacrity entertained in that rebellious army against us, and others have been seduced, to whom we had formerly denied employment, as appears by the examination of many prisoners, of whom we have taken twenty and

thirty at a time, of one troop or company, of that religion. What our opinion is of that religion, our frequent solemn protestations before Almighty God, who knows our heart, do manifest to the world; and what our practice is in religion, is not unknown to our good subjects of that our native kingdom. And as we have omitted no way our conscience and understanding could suggest to be for the promoting and advancing the protestant religion; so we have professed our readiness, in a full and peaceable convention of parliament, to consent to whatsoever shall be proposed by bill, for the better discovery and speedier conviction of recusants, for the education of the children of papists by protestants in the protestant religion, for the prevention of the practices of papists against the state, and the due execution of the laws, and true levying of penalties against them; so we shall further embrace any just Christian means to suppress popery in all our dominions, of which inclination and resolution of ours that our native kingdom hath received good evidence.

For the other malicious and wicked insinuations, that our success here upon the rebellious armies raised to destroy us will have an influence upon our kingdom of Scotland, and that we will endeavour to get loose from those wholesome laws which have been enacted by us there, we can say no more, but our good subjects of that kingdom well remember, with what deliberation, ourself being present at all the debates, we consented to these acts: and we do assure our subjects there, and call God Almighty to witness of the uprightness and resolution of our heart in that point, that we shall always use our utmost endeavours to defend and maintain the rights and liberties of that our native kingdom, according to the laws established there, and shall no longer look for obedience than we shall govern by the laws. And we hope that our zeal and carriage, only in defence of the laws and government of this kingdom, and the subjecting ourself to so great hazard and danger, will be no argu- 224
ment, that when the work is done, we would pass through the same difficulties to alter and invade the constitutions of that our other kingdom. We find disadvantages enough to struggle with in the defence of the most upright, innocent, just cause of taking up arms; and therefore if we wanted the conscience, we cannot the discretion to tempt God in an unjust quarrel. The laws of our kingdom shall be always sacred to us; we shall refuse no hazard to defend them, but sure we shall run none to invade them.

And therefore we do conjure all our good subjects of that our native kingdom, by the long happy and uninterrupted government of us, and our royal progenitors over them, by the memory of those

many large and public blessings they enjoyed under our dear father, by those ample favours and benefits they have received from us, by their own solemn national covenant, and their obligation of friendship and brotherhood with the kingdom of England, not to suffer themselves to be misled and corrupted in their affections and duty to us, by the cunning malice and industry of those incendiaries and their adherents, but to resist and look upon them as persons who would involve them in their guilt, and sacrifice the honour, fidelity, and allegiance, of that our native kingdom, to their private ends and ambition. And we require our good subjects there to consider that the persons who have contrived, fomented, and do still maintain these bloody distractions, and this unnatural civil war, what pretence soever they make of their care of the true reformed protestant religion, are in truth Brownists and Anabaptists, and other independent sectaries; and though they seem to desire an uniformity of church-government with our kingdom of Scotland, do no more intend, and are so far from allowing the church-government by law established there, (or indeed any church-government whatsoever,) as they are from consenting to the episcopal: and we cannot but expect a greater sense of our sufferings, since the obligations we have laid on that our native kingdom are used as arguments against us here, and our free consenting to some acts of grace and favour there, (which were asked of us by reason of our necessary residence from thence,) have encouraged ill-affected persons to endeavour by force to obtain the same here, where we usually reside. To conclude, we cannot think that our good subjects there will so far hearken to the treason and malice of our enemies, as to interrupt their own present peace and happiness; and God so deal with us and our posterity, as we shall inviolably observe the laws and statutes of that our native kingdom, and the protestations we have so often made, for the defence of the true reformed protestant religion, the laws of the land, and the just privileges and freedom of parliaments.

51 With these public orders his majesty also sent the marquis a patent to be a duke, as a recompense of the great services he was then doing and had formerly done him.

52 Scarce were these lords come to Scotland when one Walden, an agent sent from the two houses to Scotland upon the pretence of the treaty about Ireland, gave in a complaint to the council against them, on the account of a letter that was intercepted, signed by them all at Latham, the earl of Darby's house in Lancashire, where they were as they came down; in

which they gave the queen some informations and advices about the state of the king's affairs in that county. This was charged on them as *incendiarism*, and Walden desired liberty to pursue them on that head, whereupon they first drew some 225
defences: but because these would have been found more guilty of the alleged fault than the letter itself, they being made up of a justification of the king's arms in England, they answered this complaint by a petition, wherein they declared they had never instigated the king into a breach with his two houses, and that there was nothing on earth they desired more earnestly than to see a happy settlement betwixt them; therefore they entreated that no misrepresentations might be received or listened to against them. The church-party saw this would be a good way to be rid of the trouble and opposition they feared from these lords, and therefore cherished Walden's motion; but they were told that they could not fix any censure on that matter without judging of the whole business; for if the king's quarrel was just, those lords acted as became faithful subjects, whatever might be in that, none in England could challenge them for serving him in it, till themselves had declared against it, which was not yet done. The force of this reasoning constrained them against their hearts to yield much more than the authority of the king's commands, who having got notice of it from the earl of Lindsay, wrote down to Scotland, peremptorily commanding them to desist from any such pursuit if it were begun, requiring also his advocate to appear for them in his majesty's name if they were pursued.

53 The earl of Lanerick wrote to the king what follows:

May it please your Majesty;

I shall here humbly presume to let your majesty know, that before any of your Scottish servants who lately parted with your majesty at Oxford could possibly come hither, the chancellor had made his report to the council and conservators of the treaty, and Mr. Henderson to the commissioners of the general assembly, of their employments to your majesty, where your answers to their desires were found not satisfactory, and thereafter your majesty's council, commissioners for the treaty and common burdens, having joined together for giving of security for such monies as should be levied for the maintenance of your majesty's Scottish army in Ireland, they

thought fit (without admitting of any delay until your majesty's pleasure were known) to call a convention of the estates, as their several acts and proclamations to that effect (here enclosed) will more particularly shew your majesty.

And for the present your majesty's servants, who came lately hither, having only met with three or four of those whom your majesty appointed them to consult with, have thought fit to advise with some others of the same affection and forwardness to your majesty's service, before they presume to give your majesty any advice upon the present occasions, being matters of so great weight, and so highly concerning your majesty's service: but they have taken the readiest and most speedy course they can think upon for meeting and consulting with them; and thereafter are immediately to return hither, from whence they will with all diligence offer unto your majesty their humble opinion. In the mean time I have despatched your majesty's letters to such noblemen and boroughs as your majesty was pleased to direct me, shewing your resolution of preserving here what you have been pleased so graciously to establish in church and state, not having been able to deliver your majesty's letter to your council, who were dissolved before my coming, 226
and my lord chancellor is gone out of town, without whose appointment there can be no extraordinary meeting; so that I believe your majesty's gracious Declaration to your Scottish subjects cannot be published before that time; nor till then can I be able to give your majesty any further account of your affairs here, though in the mean time I shall study to serve your majesty faithfully, according to the duty of your majesty's

Most humble, and most faithful, and
most obedient subject and servant,

Edinburgh,
18th May, 1643. LANERICK.

54 In the end of May there was a meeting of about thirty noblemen, where these two questions were proposed: first, if it were fit for the king's service that the convention should be suffered to hold; next, if it held, whether those who were well-affected to the king's service should sit in it. There were three or four days spent in debating upon these heads: some moved, that since by the calling of this convention the other party had so far encroached upon the king, they should presently break with them: this motion came chiefly from other lords, who would not come to that meeting. But it was answered, that the king, as he would not give commissions for raising an

army in England till he knew the parliament had first done it on their side; so it was his positive pleasure that his party should not make the first breach, which the king judged so much for his honour, that no consideration could move him to dispense with it: yet these who made that proposition were desired to lay down ways how it could be made effectual, since it was madness, and not courage, to hazard the ruin of the king's service and friends, without at least a likelihood of being able to carry it through with some success.

55 All things being examined, it was concluded that the following message should be sent to his majesty, which was set down in a paper dated the 5th of June; but because of the war in England, they committed it verbally to a trusty bearer, lest it had been intercepted.

56 A convention was indicted by the chancellor, and such others of the council as have signed his majesty's letter thereabout, with the advice and concurrence of the committees for conserving the treaty and common burdens to be kept at Edinburgh the 22d of June: whereby it is conceived his majesty suffers exceedingly in his regal authority, in the calling thereof without his special warrant. A proclamation for the indicting thereof is likewise issued forth in his majesty's name, expressing a danger to religion, his majesty's person, and the peace of this kingdom, from papists in arms in England, which in that appears to be contrary to his late Declaration sent to Scotland.

Hereupon divers noblemen and gentlemen well-affected to his majesty's service met at Edinburgh, and after three or four days' debate, considering the exigency of time, the present posture of affairs, and the disposition and inclination of the people of this country, did not conceive it fitting that his majesty should absolutely discharge that meeting, (which certainly would be kept notwith- 227
standing of any discharge from him, which would both bring his authority in greater contempt, and lose more of the affections of the people, whereby the power of his majesty's servants would be lessened,) but rather that his majesty should so far take notice of the illegal calling thereof, and his own suffering thereby, that the same remaining upon record may be an evidence to posterity, that this act of theirs can infer no such precedent for the like in the future; but afterwards his majesty, or his successors, may legally question the same. And that his majesty's servants here may be better enabled, and strengthened with the assistance of others of his

majesty's faithful subjects, who truly and really intend nothing but the security of religion as it is here established, and are altogether averse from and against the raising of arms, or bringing over the Scottish army in Ireland, whereby his majesty's affairs or their own peace may be disturbed, they conceive it fit that his majesty should permit this convention to treat and conclude upon such particulars as may secure their fears from any danger of religion at home, without interessing themselves in the government of the church of England. And in respect that the two houses of parliament have not sent supplies for entertaining the Scottish army in Ireland, whereby they may have some colour or ground for recalling them, it is conceived necessary that this convention should have a power from his majesty to advise and resolve upon all fair and legal ways for entertaining the said army still in Ireland, and for recovering payment of the brotherly assistance: providing always, that in the doing thereof no resolution be taken for levying of forces, or doing any act whereby this kingdom, or any part thereof, may be put in a posture of war, or under any pretence to bring over the Scottish army in Ireland, or any part thereof, without special warrant from his majesty; wherewith if such as shall meet at this convention rest not satisfied, his majesty's servants here are resolved to protest, and adhere to these grounds, and to oppose all other, derogatory to his majesty's authority or prejudicial to his service.

57 The duke by the same bearer wrote to Mr. Jermine, since earl of St. Alban's, what follows, which is set down to shew how far he was from abusing their majesties, or any about them, with hopes of a good issue of affairs in Scotland.

Noble Friend,

There is so much said to this bearer by word and in writing, that I shall add but little thereto; only this, which I have often said, time is precious, and would not be lost while we are quiet: how long that will be, for my own part I cannot tell, so many unhappy accidents have intervened of late, that his majesty's service is much prejudiced thereby; I mean not so much your misfortune at Wakefield, as other particulars which you will be informed of. However, think not that I am discouraged, for never was man more resolute to oppose all that shall endeavour the disservice of the king than I am, and there are considerable men in this country of the same mind. But I ever feared our want of power, and never more than now: resolution we want not, but means how to put that in execution: and therefore I say, build no confidence, but that you may receive

great prejudice from hence, notwithstanding all we can be able to do, which will be as much as you can expect from men of honour so deeply engaged as we are. Having thus freely expressed my thoughts to you, it is easy to conjecture what advice I would give: you are judicious, and so I shall conclude in a word, lose no oppor- 228
tunity that is offered to end your business either by one means or other, and esteem of me as

Your most obliged friend
and humble servant,
HAMILTON.

Holyrood House,
June 5th, 1643.

58 He wrote also the following letter to her majesty:

MAY IT PLEASE YOUR MAJESTY,

I had not presumed to have troubled your majesty with any thing from me, if your letter I received from Mr. Murray had not encouraged me to hope for your majesty's pardon; I shall then humbly beg this may rather be believed an effect of obedience than boldness.

Upon Tuesday last I delivered to his majesty's council a letter from him to them, wherein was enclosed a declaration to his Scottish subjects, which was unanimously appointed to be printed and published: but the letter they have written in answer to his majesty (a copy whereof I have presumed to send your majesty) did receive great opposition, and with difficulty was carried.

Since, there hath been no public meeting, but it is like there will be one appointed upon Wednesday next, where they that came last from his majesty are to be accused as incendiaries.

The great offers are to be made from the two houses of parliament are like to work much upon the affections of this country, being seconded with an alleged hazard to religion and government from papists, pretended to be in arms in England and Ireland; a popular (though groundless) inducement for taking arms in this kingdom; to which though many noblemen (and divers of the gentry) have hitherto been averse, yet I both doubt the continuance of their resolutions, and the power of these few who must and will oppose it. The authority the other party receives from the judicatories, the absolute power they have of the magazines and ammunition, the popular pretences they have of a danger to religion and liberty, gives them so great advantages, that I cannot but apprehend great disservice to his majesty from hence, if the differences betwixt him and his people of England be not quickly decided either by treaty or force.

The resolutions about the convention of the States, of such well-affected noblemen and gentlemen as are accidentally now in Edinburgh, your majesty will know from the bearer, the particulars being of that nature as are not without hazard to his majesty's service to be trusted to paper by,

May it please your majesty,
the humblest and faithfullest
of all your servants,
HAMILTON.

59 To which her majesty wrote the following answer: 229

COUSIN,

I received your letter, and have given an account to the king of what you tell me. I hope the king's faithful servants shall be so much the more firm to his service, that the wickedness of others appears, and will by their care and diligence prevent the malice of others. We had here a mischance in one of our quarters by the negligence of our people; the greatest loss we have had is known, yet we are not at all discouraged, and hope quickly to have a revenge. Our army consists (without reckoning the garrisons) of seven thousand foot and sixty-nine troops of horse, besides my two regiments, so that for all our mischance we are in no ill condition. I have news from the king, that his army is as strong as Essex's, and that Essex dares not advance. The king hath sent prince Maurice to the west with two thousand horse and a thousand foot; the gentlemen of the west have promised to raise an army of ten thousand men in six weeks, so that I can assure you all our affairs go well. And from France (except the death of the king my brother) I have very good news, as likewise from Denmark. If the king does not press me to go to him quickly, I hope to see Leeds taken before I part. You will give a share of these news to all our friends, if any dare own themselves such after the house of commons hath declared me traitor, and carried up their charge against me to the lords. This I assure you is true, but I know not yet what the lords have done upon it. God forgive them for their rebellion, as I assure you I forgive them from my heart for what they do against me, and shall ever continue, as I have promised,

Your affectionate cousin and friend,
HENRIETTA MARIA R.

60 To this he returned the following letter:

MAY IT PLEASE YOUR MAJESTY,

I shall not presume to take up much of your majesty's time with

reading particulars, they being so well known to this faithful bearer: therefore I shall only in the general crave liberty to say, that though the state of affairs here be far otherwise than I could wish, yet I was never so hopeful as at this present that no forces will come from hence this summer into England to disturb his majesty's affairs. 230
Yet no means ought to be neglected in preparing to oppose them, (lest they should do otherwise,) nor shall I fail to do the same (whatever malice may whisper to the contrary) with all the power I have, and as freely venture both life and fortune in that as any living shall. So I humbly beseech your majesty to believe, that not only in this, but in all which doth concern his majesty's service, my part shall be such as I have promised, and as becometh

The humblest, most faithful,
and most obedient of all
your majesty's servants,
HAMILTON.

Holyrood House,
10th June.

61 The king, having received the letter of advertisement concerning the convention, wrote down the following answer about it:

CHARLES R.

Right trusty and right well-beloved cousins and councillors, and right trusty and well-beloved councillors, we greet you well.

We are much surprised at your letter of the 12th of this month, whereby it seems you have given order for the calling of a convention of the estates of that our kingdom without our privity or authority: which, as it is a business we see no reason for at present, and that hath never been done before but in the minority of the kings of Scotland, without their consent; so we cannot by any means approve of it, and therefore we command you to take order that there be no such meeting, till you give us full satisfaction of the reasons for it.

Given at our court at Oxford,
22d of May, 1643.

62 With this he wrote another to the earl of Lanerick, which follows:

CHARLES R.

Right trusty and right well-beloved cousin and councillor, we greet you well.

We have herewith sent you copies not only of the letters we lately received from Scotland, but also of our several letters to our chancellor and council there, the originals whereof we leave to your discretion, to deliver and make use of as you shall find best for our

advantage: but for the business itself, we have heretofore so fully declared to you our own opinion therein, as we need say no more of that subject to you.

We observe in the letter to us, that there are but eleven councillors' names to it, and that none of those that are best-affected have subscribed it; and we find that as great, or a greater number of councillors, persons of great quality, place, and trust, have not subscribed to it.

Given at our court at Oxford,
22d of May, 1643.

63 Upon what had passed, the lords whom his majesty had trusted resolved to keep up this letter to the council till a return came of the message they had sent to his majesty. But a few days after that letter was written, the earl of Lindsay came from London to Oxford, to receive the king's commands for Scotland; to which he was required to go, and sit in the convention of estates then summoned. His majesty asked his advice, whether he should give way to its sitting or not: but he answered, as he durst not advise his authorizing of it, so, on the other hand, he might consider if it was like that they who had called it without his warrant would desert it upon his prohibition, and if his majesty thought fit to discharge it, he would weigh well what the hazard might be of their sitting against his pleasure. All this being considered by his majesty, he wrote by him the following letter to my lord Lanerick: 231

64 Charles R.

Right trusty and right well-beloved cousin and councillor, we greet you well.

The earl of Lindsay coming hither from London hath assured us that the cause of the two houses sending into Scotland, to have the lords that went hence sequestered, was, the intercepting of their letter sent to our dearest consort, the queen, and nothing else.

We perceive, by the copy of the resolutions you sent us, with what prudence and loyal courage your brother Hamilton and the lord advocate opposed at council there the order for calling a convention of the estates, for which we would have you to give them our particular thanks. You and others of our council there, know well how injurious the calling of a convention of estates without our consent is to our honour and dignity royal; and as it imports

us, so we desire all our well-affected servants to hinder it what they may; but shall leave it to them, to take therein such course as they shall there upon advice conceive best, without prescribing any way, or giving any particular directions. If, notwithstanding our refusal, and the endeavours of our well-affected subjects and servants to hinder it, there shall be a convention of the estates, then we wish that all those who are right affected to us should be present at it; but to do nothing there, but only protest against their meeting and actions. We have so fully instructed this bearer, that for all other matters we shall refer you to his relation, whereto we would have you to give credit.

Given at our court at Oxford the 29th of May, 1643.

65 But his majesty, having after that received the advice sent him from Scotland, and his own thoughts agreeing with it, did on the 10th of June write the following letter, to be presented to the convention:

66 Charles R.

Right trusty and well-beloved cousins and councillors, &c.

We have received a letter dated the 22d of May, and signed by some of our council, some of the commissioners for conserving the 232
articles of the late treaty, and of the commissioners for the common burdens: and though it seem strange unto us that those committees should sign in an equal power with our council, especially about that which is so absolutely without the limits of their commissions; yet we were more surprised with the conclusions taken at their meetings, of calling a convention of the estates without our special warrant, wherein our royal power and authority is so highly concerned, as that we cannot pass by the same, without expressing how sensible we are of so unwarrantable a way of proceeding; and if we did not prefer to our own unquestionable right the preservation of the present happy peace within that our kingdom, no other consideration could move us to pass by the just resentment of our own interest therein. But when we consider to what miseries and extremities our Scottish army in Ireland is reduced, by reason that the conditions agreed unto by our houses of parliament for their maintenance are not performed, and likewise the great and heavy burdens which we are informed our native kingdom lies under, by the not timely payment of the remainder of the brotherly assistance due from England, contrary to the articles of the late treaty, and withal remembering the industry which we know hath been used, upon

groundless pretences, to possess our Scottish subjects with an opinion, that if God should so bless us here in England as to protect us from the malice of our enemies, religion, and the now-established government of our native kingdom, would be in danger: we (laying aside all consideration of our own particular) resolve on our part to endeavour by all possible means to prevent all colour or ground of division betwixt us and our good subjects of Scotland; and therefore do permit you to meet, consult, and conclude upon the best and readiest ways of supplying the present wants of our Scottish army in Ireland, and providing for their future entertainment there, until some solid course be taken for recovering of the arrears due to them, and for their constant pay in time coming, according to the conditions agreed upon in the treaty; as also to advise upon the best way of relieving the public burdens of that our kingdom of Scotland, by pressing, by all fair and lawful means, a speedy payment of the remainder of the brotherly assistance due from England; as likewise to prevent the practices of such as study to entertain in this our kingdom groundless jealousies and fears of innovation of religion or government, the preservation whereof (according to our many solemn protestations) shall ever be most sacred to us; providing always, that in doing these things nothing be done which may tend to the raising of arms, or recalling our Scottish army, or any part thereof, from Ireland, but by order from us and our two houses of parliament, according to the treaty agreed upon to that effect: and we do require you to limit your consultations and conclusions to the foresaid particulars. And as by this and many other our former acts of grace and favour to that our native kingdom, it clearly appears how desirous we are of preserving their affections, and preventing all occasions of mistakes betwixt us and them; so we do expect that your proceedings at this time will be such as may shew your tender care of us and our greatness, which by so many oaths and obligations you are tied to preserve.

Given at our court at Oxford the 10th of June, 1643.

67 Meanwhile the duke and his brother advertised both their 233
majesties of the great apprehensions they had of mischief from Scotland, and besought his majesty, that so long as they were idle in Scotland he should be busy in England; for his good success there was that which would engage most to appear for him here; and they, with those trusted with them, made the lord-chancellor understand the hazard he was

in if the annuities were discharged, and accordingly filled up one of the blanks with a proclamation, discharging them to all who had signed the petition against them, which yet remains, but without a date and signeting. The lord-chancellor was very sensible of the ruin of his fortune, which would follow from the publishing of that which certainly would be popular, as being an ease of the subjects, and therefore promised to them to use his utmost endeavours to put all the stops he could in the agreement with England: wherefore with joint consent they resolved to proceed no further in that affair for that time, and accordingly the lord-chancellor was very instrumental (though covertly) in getting things kept off so long; for had not much art been used, the church-party were inclined, immediately upon the opening of the convention, to have engaged in the quarrel for the two houses.

68 The 22d of June came, and the convention sat down, (which is a court made up of all the members of parliament, but as they are called and sit without the state or formalities used in parliaments, so their power is to raise money or forces, but they cannot make or repeal laws). The duke and his friends, as they answered to their names, declared they were present upon the notice they had of the king's warranting of the convention. After that, Lanerick delivered the king's letter of the 10th of June, and it being read, drew on a great debate, which lasted four days, whether the convention was free or not, and if bound up to the limits of the king's letter or not. The grounds of the debate were, on the one side, it was certain that by the law of Scotland no assembly of that nature could be called but on the king's writ, and therefore there was a nullity in the beginning of it; but that now the king *ex post facto* allowing them as a meeting of his subjects to consider of some particulars, they could pretend to no authority but what that letter gave them: therefore they had not the authority of a convention of estates, but were only a meeting of so many subjects to consult of some affairs. On the other side it was said, that the convention was summoned by a writ under the great seal, which was all that the subjects were to look for, they not being concerned to look into the king's secret orders or private pleasure: so this was a sufficient authority for their sitting; and for the

king's letter, though it seemed he was not well pleased with his council for it, yet it did not annul the former writ, nor indeed could it, and it was essential to all meetings of that nature to be free, and not limited in their consultations; for if the king calls a parliament or convention, their freedom cannot be restrained to such particulars as the king would limit them to, otherwise the grievances of the nation should never be considered: therefore they concluded, it either must be no convention at all, or if it was one, it must be left at liberty to treat of all the affairs of the nation. The duke and his brother were the great arguers on the one side; and when they saw how it was like to go, they resolved to protest, and 234
leave them. But the king's advocate told them, that if the convention were voted a free convention, then to protest against it was treason; but they might declare their judgments, and thereupon take instruments, which was equivalent to a protestation, and more legal: and they judging this punctilio of the word *protest* of no importance, resolved to follow his advice. So on the 26th of June, it being put to the vote, *a free convention or not*, the duke voted it *no convention, but as regulated by the king's letter:* so did eighteen lords, and but one knight, all the rest voting it a free convention. Whereupon the duke rose up and declared he could no more own that for a free convention, nor acknowledge any of their acts or orders, further than as they kept within the bounds of the king's letter. My lord Argyle asked, did he by that protest against the convention. My lord Lanerick answered, they meant not to protest, but declare and take instruments, both in the king's name and their own; which accordingly they did, and so removed. Only Lanerick required them to record the king's letter, which was refused: next, he craved an instrument of his producing it, which was also refused: so having taken witness of it, he withdrew, and none of these lords would sit in the convention any more. After this, some came to the duke, and asked his advice if they should sit or not; he suspected their intentions were only to betray him, and told them, that his practice declared his own judgment, which he wished the whole convention had followed; but for particular advices he left it to themselves. Others of their friends were by them all thought necessary to sit still in the convention,

to keep up delays in the approaching treaty with the English; but divers of their friends, being overawed with the power of the church party, did forsake them.

69 At the same time some of the church party, who feared the duke more than all that opposed them, knowing the depth of his designs, and the smoothness of his address, took a strange course to render him suspected to the king's party, which was, to let a whisper fly out, but so as they should not appear in it, that he and they kept a correspondence; which was too easily believed by many, who were already ill-affected to his person and displeased with his methods: and the great forwardness of some for appearing in the king's service made them impatient of all delays. But the duke sent divers messages by Mr. Murray of the bedchamber (who was at that time sent by his majesty to Scotland) to those of the king's friends, who he saw were displeased with him, to mediate a reconciliation, who dealt in it with all possible diligence; but their jealousies of the duke were insuperable. And a little after that, in the end of July, some of them went to court to represent to the king how ill his affairs were managed by those he trusted them to, and to offer their service, if he would change his tools and methods. The duke upon this wrote to the king, that he found himself betwixt two tides, of those who were perverse on the one hand and overforward on the other; yet he wished not only life and fortune, but his soul might perish, if he left any thing unessayed and undone that was in his power for the king's service. But all in which he could hope to prevail was delays, which to draw out longer than this winter he could not promise. And the methods he used to draw out the treaty by delays were, to set some on work to get Scotland to insist on their demands for the rest of the brotherly assistance, and for what was 235
agreed to by the former year's treaty, to be paid for the army in Ireland, before they engaged further; all which amounted to a round sum; and he knew it would neither be soon nor easily advanced. The time of the assembly was also approaching, wherefore they advised the king for his advocate's encouragement to name him commissioner for it.

70 The convention did little at first, only they begun a new process against some alleged incendiaries, and named many

committees, waiting still for the English commissioners, who were daily expected. On the first of August came the king's advocate's commission, with his instructions, and a letter to the assembly.

71 His instructions were, first, to assure the assembly of the king's constant adherence to the late establishment, and his willingness to encourage all good motions.

72 He was to oppose all treaty with England, or declarations about the commotions there.

73 He was to oppose any new commission of the kirk.

74 He was to hinder any censure to pass on those who had subscribed the cross petition.

75 On the second of August the assembly sat down; but no curb could hold them, so high was their zeal, and so void were they of respect of persons, that the opposition the king's commissioner gave them was little regarded, for they went on at a great rate.

76 The convention voted an hundred thousand marks sterling to be raised by a loan: this was a pretty device to fine all that were not judged well-affected; for they were appointed to lend sums upon the public faith, which every one knew would turn to no security for their money.

77 On the 9th of August came the much longed-for commissioners from England, with a large declaration from the two houses, justifying all their procedure, and entreating the assistance of their brethren in Scotland. This was cheerfully welcomed by the assembly, and some did run so far back, as to remember how queen Elizabeth helped the lords of the congregation in the Scottish reformation in opposition to the queen regent; and therefore it was but justice that they should now repay them with the like assistance.

78 But that which generally prevailed to engage the greater part of the nation in the war shall here be set down with that fulness and freedom that becomes a historian. The (now) duke of Newcastle had raised a great army in the north of England for the king, upon which that country was like to be for some time the seat of the war; and though Berwick and Carlisle had no garrisons in them, according to the treaty between both kingdoms, yet it was not to be doubted but either the one side or the other would see their advantage in

putting garrisons in these places: upon which, all in Scotland judged it necessary to raise some forces, otherwise the best counties in Scotland, which lie toward the south, had been put under contribution by those garrisons, and they had been all a prey to the prevailing army; yea, and which side soever were either beaten or straitened, it was not to be doubted but they would send in parties to Scotland to bring provisions, and what else could be had; therefore it was concluded, that a force must be raised for the security of Scotland. This being laid down, it was not uneasy to persuade all that it was 236
better to carry in and maintain their army in England, than keep it in Scotland, to be a vast charge upon themselves. And the forces that were raised in the years 1639 and 40 had been very heavy on the chief nobility and gentry; nor had the brotherly assistance which the two houses had voted to be raised for their reimbursement come to their supply, the war of England intercepting it: therefore they had generally a great mind to quarter their army in England. Now this could not be done, they keeping up the neutrality they were then in, therefore they must either join with the king or the two houses. For joining with the king many arguments were used, both from the laws of Scotland, that obliged all the subjects to assist the king in his wars; and from the covenant, wherein they swore to assist him in every cause in which his majesty's honour was concerned. There were also private assurances given, not only to the leading men, but to the whole nation, of signal marks of his majesty's favour and confidence in the disposal of all offices and places at court, that every third time they should be filled with Scottish men, together with other particulars, not needful to be mentioned. But against all this it was objected, that those who had the ascendant in the councils at Oxford were either papists or men of arbitrary principles; and the clamours that always follow generals and armies where there is no certain pay, were carried to Scotland, not without great additions, against the king's forces, to possess people with a deep alienation from them. It was likewise said, that since the king, notwithstanding the declining of his affairs in England, would not grant what was desired there about episcopacy, it might be from thence gathered what he would do if his arms were suc-

cessful, and therefore all people were possessed with the jealousies of his subverting the whole settlement with Scotland, as soon as he had put the war in England to a happy conclusion. And though it was answered to this, that the king's putting things to hazard rather than sin against his conscience, was the greatest assurance possible that he would faithfully observe what he had granted; to this, malicious people said, that it would be easy to find distinctions to escape from all engagements; and if the putting down of episcopacy was simply sinful according to the king's conscience, then that alone would furnish him with a very good reason to overturn all, since no men are bound to observe the promises they make when they are sinful upon the matter. And these reasons did generally prevail with the covenanters to refuse to join with the king's party in England: therefore they concluded it necessary to engage with the two houses, both because the cause was dear to them, it being a pretence for religion and liberty. It was also said often, that they owed their settlement partly to the backwardness of the armies the king had raised against them in England, and partly to the council of the peers, who had advised the king to grant a treaty, and afterwards a full settlement to them. And that paper which was sent down in the year 1640, as the engagement of twenty-eight of the peers of England, for their concurrence with the Scottish army that year, was shewn to divers, to engage them unto a grateful return to those to whom it was pretended they were so highly obliged. For though the earl of Rothes (and a few more) were well satisfied about the forgery of that paper, yet they thought that a secret of too great importance to be generally known; therefore it was 237
still kept up from the body of that nation. And upon these pretences and inducements it was, that it came to be generally agreed to, to enter into a confederacy with the two houses. So fatal did the breach between the king and his people prove, that even when it seemed to be well made up by a full agreement, there was still an after-game of jealousies and fears, which did again widen it by a new rupture, which to these men seemed at this time unavoidable: otherwise they found the ease of a neutrality to be such, that the men of the greatest interest in those councils have often told the writer, they

had never engaged again, had it not been for those jealousies with which they were possessed to a high degree. There was a committee of nine appointed to treat with the commissioners: the English pressed chiefly a civil league, and the Scots a religious one; but though the English yielded to this, yet they were careful to leave a door open for independency. Thus the treaty with the English commissioners went on, notwithstanding a letter the king wrote to the chancellor, to be communicated to the council, requiring them not to treat with them, since they came without his majesty's order; but they who had leaped over all other matters could not stand at this.

79 And now came to light that which had been a hatching these many months among the juntos, which was the *solemn league and covenant*, which follows:

The solemn league and covenant of the three kingdoms.

We noblemen, barons, knights, gentlemen, citizens, and burgesses, ministers of the gospel, and commons of all sorts in the kingdoms of Scotland, England, and Ireland, by the providence of God living under one king, and being of one reformed religion, having before our eyes the glory of God and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the king's majesty and his posterity, and the true public liberty, safety, and peace of the kingdom, wherein every one's private condition is included: and calling to mind the treacherous and bloody plots, conspiracies, attempts and practices of the enemies of God, against the true religion and professors thereof in all places, especially in these three kingdoms ever since the reformation of religion, and how much their rage, power, and presumption are of late and at this ime increased and exercised; whereof the deplorable estate of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and public testimonies; we have now at last, (after other means of supplication, remonstrance, protestations and sufferings,) for the preservation of our selves and our religion, from utter ruin and destruction, according to the commendable practice of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved 238
and determined to enter into a mutual and solemn league and covenant: wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear;

I. That we shall sincerely, really, and constantly, through the grace of God, endeavour in our several places and callings, the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches: and shall endeavour to bring the churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confession of faith, form of church-government, directory for worship and catechising; that we and our posterity after us may as brethren live in faith and love, and the Lord may delight to dwell in the midst of us.

II. That we shall in like manner, without respect of persons, endeavour the extirpation of popery, prelacy, (that is, church-government by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiastical officers depending on that hierarchy,) superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness; lest we partake in other men's sins, and thereby be in danger to receive of their plagues; and that the Lord may be one and his name one in the three kingdoms.

III. We shall with the same sincerity, reality, and constancy, in our several vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the parliaments, and the liberties of the kingdoms; and to preserve and defend the king's majesty's person and authority, in the preservation and defence of the true religion and liberties of the kingdoms; that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and greatness.

IV. We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any faction or parties amongst the people, contrary to this league and covenant, that they may be brought to public trial, and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V. And whereas the happiness of a blessed peace between these kingdoms, denied in former times to our progenitors, is by the good

providence of God granted unto us, and hath been lately concluded and settled by both parliaments, we shall each one of us, according to our place and interest, endeavour that they may remain conjoined in a firm peace and union to all posterity, and that justice may be done upon the wilful opposers thereof, in manner expressed in the precedent article.

VI. We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdoms, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof; and shall not suffer ourselves, 239
directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and honour of the king; but shall all the days of our lives zealously and constantly continue therein against all opposition, and promote the same according to our power, against all lets and impediments whatsoever: and what we are not able ourselves to suppress or overcome, we shall reveal and make known, that it may be fully prevented or removed: and which we shall do as in the sight of God.

And because these kingdoms are guilty of many sins and provocations against God and his son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof; we profess and declare, before God and the world, our unfeigned desire to be humbled for our own sins and for the sins of these kingdoms, especially that we have not as we ought valued the inestimable benefit of the gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our hearts, to walk worthy of him in our lives, which are the causes of other sins and transgressions, so much abounding amongst us. And our true and unfeigned purpose, desire, and endeavour for ourselves, and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation; that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to

strengthen us by his Holy Spirit for this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to other Christian churches, groaning under, or in danger of antichristian tyranny, to join in the same, or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of Christian kingdoms and commonwealths.

80 This was offered to the assembly on the 17th of August, and after it was publicly read, Mr. Henderson, being then moderator, had a long speech about it. Then it was read the second time, and many of the most eminent ministers and lay-elders were desired to deliver their opinions about it, who did all magnify it highly: and though the king's commissioner pressed a delay, till at least it were communicated to the king, yet the approving it was put to the vote, and carried unanimously, and they ordered the lord Maitland (the now duke of Lauderdale) and Mr. Henderson and Mr. Gillespy to carry it up to the two houses at Westminster. On the same day it was also approved in the convention. Wise observers wondered to see a matter of that importance carried through upon so little deliberation or debate. It was thought strange to see all their consciences of such a size, so exactly to agree as the several wheels of a clock; which made all apprehend there was some first mover that directed all those other motions: this by the one party was imputed to God's extraordinary providence, but by others to the power 240
and policy of the leaders, and the simplicity and fear of the rest. One article of it was thought strange, that one government of the church was abjured, but none sworn to in its place for England; this was not the fault of the Scots, who designed nothing so much as to see presbytery established in England. But the English commissioners would not hear of that, and by these general words of *reforming according to the word of God*, (cast in by sir Henry Vane,) thought themselves well secured from the inroads of the Scottish presbytery; and in the very contriving of that article they studied to outwit one another, for the Scots thought the next words, of *reforming according to the practice of the best reformed churches,* made sure game for the Scottish model, since they counted it indisputable that Scotland could not miss that character.

81 Those of Scotland would have had episcopacy abjured, as simply unlawful; but those of England would not condemn that order, which had merited so much glory in the whole Christian church; therefore the second article was so conceived, that it might import only an abolition of the present model of England; and it was so declared both in the assembly of divines and in the two houses of parliament when they swore it. The Scots either perceived not this change or were glad to get it carried on at any rate. But many judged the oddest part of it all was their oath to maintain the privileges of both parliaments, since that was never defined, and was scarce capable of a definition; and the privileges of the parliament of England were far enough from the knowledge and divination of the Scottish people, who in this case must believe all that to be privilege which they called so.

82 The covenant was carried up by those trusted with it to the two houses, to be approved by them; and being returned to Scotland, the committee of estates did, by their printed act of 22nd of October, ordain it *to be sworn and subscribed by all the subjects, under the pain of being punished as enemies to religion, his majesty's honour, and the peace of these kingdoms: and to have their goods and rents confiscated, and they not to enjoy any benefit or office within the kingdom, and to be cited to the next parliament as enemies to religion, king, and kingdoms, and to receive what further punishment his majesty and the parliament should inflict on them.* At this time his majesty sent Mr. Mungo Murray to Scotland, (to assure his friends of his confidence in them,) who brought the following letters from the king and queen to the duke.

83 Hamilton,

I find there hath been a great mistaking about that mark of favour which I thought fit to bestow upon you, the particulars I have commanded Mungo Murray to tell you: only this I assure you, that my confidence of you is not lessened from what I commanded your brother to assure you of in my name, for you shall find me

Your most assured, real, constant friend,

Charles R.

84 Cousin, 241

As soon as I had occasion since my arrival hither to write to you, I have resolved to do it, both to assure you of all that I said to you when I was at York; as also to tell you that I am none of the least

sharers in rejoicing at the honour the king hath put on you. This is a mark of the confidence he hath in you, which I am assured you will make the world see was founded on very good reason. The bearer is a person who will tell you more than I can write: to him I refer myself, and shall say no more, but that I am

Oxford,
28th August.

Your affectionate cousin,
HENRIETTA MARIA R.

85 The king's friends had gone to the several places where their interests lay, to see what likelihood there was of raising any force for advancing the king's service by extreme ways; and to put a better colour on their gathering of people together, they carried with them the following letter, which was signed by his majesty, and of which Lanerick was ordered to give an attested copy to all who were well-affected.

86 CHARLES R.

Right trusty and right well-beloved cousin and councillor, we greet you well.

Since nothing on earth can be more dear to us than the preservation of the affections of our people, and amongst them none more than those of our native kingdom, which, as the long and uninterrupted government of us and our predecessors over them doth give us just reason in a more near and special manner to challenge from them, so may they justly expect a particular tenderness from us, in every thing that may contribute to their happiness: but knowing what industry is used, by scattering seditious pamphlets, and employing private agents and instructions, to give bad impressions of us and our proceedings, (under a pretence of danger to religion and government,) to corrupt their fidelities and affections, and to engage them in an unjust quarrel against us their king, we cannot therefore but endeavour to remove these jealousies, and secure their fears from all possibility of any hazard to either of these from us: we have therefore thought fit to require you to call together your friends, vassals, tenants, and such others as have any dependance upon you, and in our name to shew them our willingness to give all the assurances they can desire, or we possibly grant, (if more can be given than already is,) of preserving inviolably all those graces and favours which we have of late granted to that our kingdom, and that we do faithfully promise never to go to the contrary of any thing there established, either in ecclesiastical or civil government: but that we will inviolably keep 242
the same, according to the laws of that our kingdom, and we do wish God so to bless our proceedings and posterity, as we do really

make good and perform this promise. We hope this will give so full satisfaction to all that shall hear of this our solemn protestation, that no such persons as study division, or go about to weaken the confidence betwixt us and our people, and justly deserve the name and punishment of incendiaries, shall be sheltered from the hand of justice; and all such others as shal endeavour peace and unity, and obedience to us and our laws, may expect that protection and increase of favours from us which their fidelity deserves. So expecting your care hereof, we bid you heartily farewell.

From our court at Oxford the 21st of April, 1643.

87 These lords appointed at parting to meet again about the end of August, which accordingly they did; and when they met, divers told they found much coldness among their friends. Many professed a cordialness to the king's service; but they had neither arms nor ammunition, nor saw they a place of security for a rendezvous, nor of safety for a retreat in case of a misfortune; so that divers of the noblemen said, it was not in their power to bring any with them to the fields but their own domestics. Whereupon it was agreed by them all to send one Neal, servant to Mr. Murray of the bedchamber, to the marquis of Newcastle, to desire him to seize on Berwick, which was of great importance, and was at that time without a garrison, that it might be the place whither they might bring what forces they could draw together, which was indeed the most proper place for them, since the counties that lay next it were best affected. They likewise desired my lord Newcastle to send them such arms and ammunition as could be spared them out of the king's magazines, which were then in his hands: they also ordered Neal to go forward from him to Oxford, to give the king an account of their desires, that they might be presently supplied. He was despatched on the 29th of August; but on the 4th of September my lord Newcastle wrote back to them a short answer referring them to Neal, who in a large one (both which are extant) told them, that my lord Newcastle said, he could spare them neither arms nor ammunition: and as for Berwick, he could not seize on it without bringing ruin on himself and his posterity, unless he had a commission for it under the great seal of England, it being contrary to the articles of the late treaty of the two kingdoms, which was ratified in parliament.

88 At this time the treaty betwixt the two houses in England and the convention in Scotland was closed. Against the 5th of October a hundred thousand pounds sterling was to be paid in Scotland, and against the 20th of that month an army of twenty thousand horse and foot was to be on the borders from Scotland, who were to have thirty thousand pounds sterling a month for pay; only the hundred thousand pounds sterling was to serve for the first three months. The general was to be chosen by the Scots, the army was to receive orders from a committee of both kingdoms; no peace should be treated or concluded without the Scots: and the public faith was given by the convention of estates in Scotland that their army should return out of England when a peace was concluded by both kingdoms. And so the convention adjourned till January, having chosen a committee of estates, to whom they gave full power in all matters civil and military.

89 About the middle of September the fairest opportunity of 243
all was lost, for the parliament of England, apprehending the hazard of the loss of Berwick, sent down some ships, by which, with the concurrence of the Scots, it was presently garrisoned: and the committee of estates issued out, toward the middle of September, commissions for making of levies through the kingdom, so that nothing kept them from marching, but that they heard not of money from England.

90 The king's friends were now in the greatest perplexities imaginable, they saw his affairs in a ruining condition, and themselves able to do nothing but regrate it. All September passed over ere they had a return from Oxford; and since the hope of Berwick was irrecoverably lost, nothing remained but despair. The church party became daily more resolute, and the king's party became fainter. At length, in the beginning of October, Mr. Mungo Murray came from court, but brought no present relief, only large hopes of assistance to follow quickly. He also brought letters from the king both to the council and the conservators of the peace: that to the conservators of the peace follows.

91 Charles R.

Right trusty and right well-beloved cousins and councillors, right trusty and well-beloved councillors, and trusty and well-beloved, we greet you well.

No industry hitherto could have so far prevailed with us as to gain any belief that our Scottish subjects would countenance, much less assist this bloody rebellion in England; yet we know not how to understand the levying of forces, both foot and horse, within our native kingdom, and their entering our town of Berwick in an hostile manner.

You are particularly trusted by us and our parliament (and solemnly sworn to be faithful in the discharge of that trust) of seeing the articles of the late treaty observed, which here is most grossly violated: therefore we require you, as you will be answerable to God, to us, and our parliament, to take speedy and present order for recalling and suppressing those forces.

Our most malicious enemies must bear us witness, how religiously we have observed these articles on our part, whereof if we had not been more tender, (than the advisers of the breach have been of the public faith,) it is obvious to any, how easily we could have secured that town from all rebels.

We have likewise thought fit to take notice of the private preparations in that our kingdom of raising an army by a new authority to come into our kingdom of England, under the pretence of securing themselves from a popish and prelatical army, falsely alleged to be upon the borders, such forces as we have there being only for protecting of our distressed subjects from the incursion of rebels from their ships at Berwick and Holy-Island, and for no other end. Such then as shelter themselves under that pretext will find from thence but a slender warrant before God, who knows the integrity of our heart, and how inviolably we intend to preserve all that we have granted to that kingdom, so long as they suffer themselves to be capable of our protection and those favours.

We do require you not only to oppose and suppress all such unwarrantable levies, but by your public declaration to disabuse those rebels in England who endeavour to engage you in their rebellion 244
and expect assistance from you; in all which we look for ready obedience, and expect a present account thereof. We bid you heartily farewell.

Given at our court at Oxford the 26th day of September, in the 19th year of our reign, 1643.

92 The letter to the council follows:

CHARLES R.

Right trusty and right well-beloved cousins and councillors, and trusty and well-beloved councillors, we greet you well.

Whereas our desire of preserving peace within our native kingdom,

and preventing such disputes which malicious instruments might so heighten as to divide us and any of our Scottish subjects, moved us, by our letter of the 10th of June, to dispense with the unwarrantable calling together of the nobility, commissioners of shires and boroughs, at Edinburgh, the 22nd of June, 1643, and so far to give way to the meeting, as to allow them to take into consideration the best ways of maintaining our Scottish army in Ireland for suppressing of that bloody rebellion there, since our two houses of parliament here had failed in the performance of the treaty concluded upon betwixt the two nations for that effect, and likewise for such other particulars as our said letter doth more fully contain; expecting they would have limited their resolutions thereunto, and paid an equal gratitude of duty and obedience to us and our just commands, as we have so lately and so many ways expressed our affection to that our kingdom in general, and so many members of that meeting in their own particulars: all which notwithstanding, they have proceeded to resolutions as unjustifiable as their meeting, and would engage our subjects to an obedience of their arbitrary commands, beyond the power of any of the most free and lawful conventions of the estates, our authority and consent being so absolutely contemned, that they have exceeded the bounds we have prescribed, and proceeded to conclusions of the highest nature, without so much as acquainting us therewith. Such high indignities to us and our authority make us believe they have forgot they have a king, and their oaths in preserving us in our just power as their king: but God will discover and punish such undutiful thoughts, how closely soever they be clouded with pretences of safety to religion and liberty, which they know will ever be dearer to us than our own preservation. Our good subjects will likewise suffer with us by their heavy taxes upon them, and possibly by their desperate resolutions of their engaging them in a bloody and unnatural war. Those injuries to us, and oppressions upon them, we expect you (whom we have with advice of our parliament intrusted with managing the greatest affairs of that our kingdom) will particularly resent: and therefore we have thought fit to require you, immediately after the receipt hereof, to publish in our name a proclamation to all our loving subjects of that our native kingdom, prohibiting them under all highest pains to give obedience to any act or ordinance of that pretended convention, or of any committee pretending a power or authority from them; but to oppose by arms, or otherways, all such persons as shall endeavour to put in execution any acts of theirs, (but such as we expressed in our letter we mentioned of the 10th of June, which was so much slighted as it 245

was refused to be recorded,) for the raising of forces, or recalling our Scottish army in Ireland, or any part thereof, without our knowledge and consent: and we do likewise require, that no taxes imposed upon our subjects by that pretended authority be paid; assuring all our loving subjects of our protection in the obedience of these our commands; for which these shall be your warrant, which we require you to record.

Given at our court at Oxford the 26th of September, in the 19th year of our reign, 1643.

93 With these his majesty wrote to my lord Lanerick.

CHARLES R.

Right trusty and right well-beloved cousin and councillor, we greet you well.

We have sent to our privy council of Scotland our letters of direction what they shall do, now that the general meeting there hath proceeded to such strange and undutiful resolutions, beyond the matter we prefixed them to treat upon by our former letter. Of those our letters we have sent you an exact copy, and particular directions to yourself, what you shall do in order thereunto, when you shall think fit for our service to make use of the same. But we leave it now to your discretion, and the judgment of the rest whom we have intrusted with the affairs of that our kingdom, to deliver these our letters to our said privy council at that time, and no sooner than you shall conceive to be most conducible to our service and the good of that kingdom; for if you shall find that no obedience is likely to be given to those our commands, you are to consider how far you, who are our faithful servants there, will be able to withstand those insolencies, which of necessity must follow upon such disobedience, and what the consequence will be, to anger before we be able to punish such offenders. But our will is, that you forthwith publish the other, anent the proclamation, precept, or warrant, falsely published in our name; and we further require you to do whatsoever else you with the rest (whom we have trusted with the affairs of that our kingdom) shall conceive most to conduce to our service, as you will answer to us at your peril: and for so doing this shall be a sufficient warrant to you and those others intrusted by us as aforesaid.

Given at our court at Oxford 26th of September, 1643.

94 The lords whom his majesty trusted judged it not fitting to present the letter written to the council, and suppressed it.

But his majesty wrote another letter to the council about the proclamation, which was issued forth in his name by the convention of estates, which follows:

95 CHARLES R. 246

Right trusty and right well-beloved cousins and councillors, and trusty and well-beloved councillors, we greet you well.

Whereas we were graciously pleased to condescend that this present meeting in our kingdom of Scotland of our nobility there, and the commissioners for shires and boroughs, should resolve and conclude of such particular affairs as we specified and allowed to them for the security and good of that our kingdom in our late letters to them, dated the 10th of June last, and for as much as we have to our great amazement newly seen a paper in form of a proclamation, precept, or warrant, in our royal name, dated at Edinburgh, the 18th of August, subscribed

Per actum dominorum
conventionis Arch. Primrose
Cler. Conven.

being a paper most impudently set forth without our privity or any authority from us, and tending to cast our beloved people of that our native kingdom into the like and more bloody combustions and rebellions, violation of their religion and allegiance to us, and laws of that our (hitherto) peaceful native kingdom, as hath been here practised by the malicious enemies of peace and government: we have therefore, upon good deliberation, and out of our princely and gracious care of our people, and of the tranquillity of that our native kingdom, (as it was so lately and well settled by our self,) thought fit to declare, and we do hereby declare unto you, that we utterly dislike and disallow it, forbidding all our subjects to obey the same, and all other papers published in our name, which shall not immediately be warranted by us; and we do hereby will and command you, forthwith openly to publish these our letters, to let all our people understand our pleasure herein.

And lastly, our pleasure and command is, that you cause these our letters to be forthwith recorded in the books of our privy council of that our native kingdom, for all which these our said letters shall be your sufficient warrants.

Given at our court at Oxford the 26th day of September, in the nineteenth year of our reign, 1643.

He wrote also to the same purpose to the earl of Lanerick.

96 Charles R.

Right trusty and right well-beloved cousin and councillor, we greet you well.

Whereas we have thought fit, for the good of our service and safety of our people, to require our council to publish a proclamation in our name to all our loving subjects in Scotland, discharging them to give obedience to any act or ordinance of the pretended convention of the estates at Edinburgh the 22nd of June, or of any committee pretending authority from them; but to oppose with arms, or otherways, all such persons as shall endeavour to put in execution any act of theirs: but if our privy council shall not give present obedience to our commands, and publish this our pleasure, these are to require 247
you to take what course you shall think most fit to make this known to all our loving subjects, either by giving warrant in our name to print our letter to our council, or by sending attested copies thereof to all the nobility, sheriffs of counties, and majors of towns, within our kingdom of Scotland, a duplicate whereof you will herewith receive under our own royal hand: and we further require you to do whatsoever else you with the rest (whom we have trusted with the affairs of that our kingdom) shall conceive most to conduce to our honour and the good and advancement of our service, as you will answer for it to us at your peril; and for your so doing these shall be your warrant.

Given at our court at Oxford the 26th of September, 1643.

97 With these public letters the king wrote to the duke:

Hamilton,

Having much to say, and little time to write, I have commanded this trusty bearer to supply the shortness of this letter, which though it be chiefly to give trust to what he shall say to you in my name; yet I cannot but assure you by my own hand, that no ill offices have had the power to lessen my confidence in you, or my estimation of you, for you shall find me

Your most assured, real, constant friend,
Charles R.

Oxford, 28th September, 1643,

98 The lords whom the king trusted, seeing no present help of men nor relief of arms like to come from England, were like men desperate: and some moved desperate propositions, that according to what had been (in some former cases) practised

in Scotland, there should be orders given out, requiring all to kill the chief leaders of the church-party wherever they could find them, setting prices on their heads, and that with such orders some of the blanks should be filled up. But the duke opposed this strongly, and said, he would take it on him without an instruction to assure them, that he knew his majesty would rather patiently suffer all things than consent to a course so barbarous and unchristian. As for the practices of some former ruder times, these were to be no precedents now. Besides, if this were done on the one side, they might expect the same orders would be presently issued out against them from the committee of estates, which would bring on an unheard-of butchery, and lay all their throats open to their servants; whereupon it was laid aside, only the proposition, with the precedents, is yet extant: and they resolved to see what force they could bring together under the pretence of their attendance to the countess of Roxburgh her funeral, which was to be in the beginning of November. But there was some difference about the methods of carrying on their designs among these lords, and divers others who were called to their consultations, besides those who were particularly 248
trusted by his majesty; those whose fortunes were broken were for brisker courses, and those whose estates were entire, and had the most followers, thought it fitter to delay an open breach as long as was possible. This diversity of opinion raised some animosities and jealousies among them, so that they fell into a mutual distrust; neither was secrecy (though not only enjoined but sworn) closely kept, for all their designs broke out; and yet some who were guilty of this were among the busiest to fasten it on the duke. But the writer designs only an account of his affairs, without reflecting needlessly on others; and therefore here he restrains his pen. So quickly did their closest secrets fly abroad, that when the duke was returning home from one of their meetings, a covenanter lord came from Edinburgh to meet him on his way, and told him to a word all had passed at their meeting, as that lord informed the writer.

99 On the 24th of October the earl of Traquair went to court, whom the lords that were trusted by the king had carried along with them in all their counsels, though his name could

not be in the instructions, by reason of the act that was passed against him at the former parliament. With him they sent the following instructions, containing the grounds and steps of their whole procedure; which is the fullest and clearest despatch was sent this year, (most of the other messages being verbal,) and so will give great light to the rest.

100 It is desired it may be represented to his majesty, that now all he expected from our affection and industry here is performed, this summer being spent, and he having received no other prejudice from hence than what might rise from words, which we did never pretend to prevent, being no ways a party in the judicatories.

To shew our readiness still to venture our lives and fortunes in his majesty's service, which we will make good, not only by verbal expressions, but real actions, when we shall see the least probability of success to his affairs, though to our ruin.

To represent the reasons that (hitherto) we have not been in action; which have been grounded, first, upon our desire of protracting time, the chief thing we had commission to study (in which our endeavours have not been fruitless); secondly, that they (not his majesty) should be the first breakers, both a pious, just, and popular motive; and, thirdly, our expectation of supplies, both of men, arms, ammunition, and monies, which we were confident should have been provided for us, and without which we never conceived our strength to be considerable.

To represent that we would immediately draw ourselves together into a body, (being thereto authorized by his majesty,) if we had the least hope of making it considerable, and if we had any proportion of arms or ammunition, a place of surety for our rendezvous, and of safety for a retreat in case of a misfortune; having by divers messages represented our wants, and pressed for supplies, with the securing of some places, now lost, but still without success, without which, many who would join with us in this quarrel of serving his majesty are unwilling to hazard; and divers very considerable and most affectionate noblemen and gentlemen have declared, that for that reason they cannot bring to that meeting more than their domestic servants, so that we justly fear we cannot draw together so considerable a body as could resist, much less offend our enemies, 249
and likewise an impossibility for those and other noblemen and gentlemen, (being only so backed,) and lying at so great a distance one from another, and from the place which of necessity must be appointed for our rendezvous, to join with us.

And considering these necessities, we cannot but be the more tender of going unto present action, seeing his majesty hath so wisely commanded us to weigh the consequences of angering before he be able to punish, and the prejudices which may thereby arise to his service, wherein we must proceed as we shall be answerable upon our perils: and therefore we dare not presume to advise the present engaging of his majesty, by drawing ourselves into a body; for many would oppose us (seeing then we would be esteemed rebels) within this kingdom, that would be unwilling to go into England, which probably cannot be done this winter, though we dare give no assurance thereof; but do humbly advise that present preparation be made for the worst; and in discharge of our consciences and duties to his majesty, we cannot but represent our fears of the great disservices he may receive from hence, if he do not timely prevent it, either by a royal and considerable strength, or in his wisdom think of some other way of effecting it, and not to trust to the power of his party here. And this our humble opinion doth neither proceed from fear nor disaffection, nor out of any intention to desert him or his cause, (wherein we will spend the last drops of our blood,) but really is our sense of the condition of his affairs here, which we cannot conceal without betraying the trust he hath reposed in us, and which we will be ready to make appear to his majesty, whensoever he shall think fit to call us to an account, at the hazard of losing his favour and all that is dear to us.

101 About the end of October all the lords of the council received letters from the committee of estates, requiring them to come to council against the second of November, and sign the league and covenant, from which the lords (whom his majesty had intrusted) excused themselves, not being well-satisfied neither about the matter of the covenant nor the authority by which it was imposed; whereupon they were again summoned to appear upon the 14th of that month, to do it under the highest pains in case of disobedience; but they excused themselves the second time likewise.

102 All this while the duke had been doing his utmost to engage his vassals, and the dependers on his family, to a cordial concurrence in the king's service, and offered to divers of them, if they would vigorously concur in it, to dispense with great advantages he had over their fortunes by his superiorities. But that county where his interest lay was so prevailed upon by the ministers, that no endeavours could divert them from

the course that the rest of the country were taking: and so little could he prevail with them, that all the authority and art he and his brother used could not get the commissioners to the convention of estates well chosen, though he bestirred himself in it as much as was possible; for beside the clamours against him, there came out at this time a book under the name of *The Mystery of Iniquity*, which was shrewdly but maliciously penned. The design of it was to demonstrate that the king's intentions ever since his voyage to Spain had been for introducing popery: but to this old slander was added a new damnable calumny, that the king had given 250
commission for the massacre in Ireland under the great seal of Scotland, in October 1641, when it was in the duke's keeping, and in the custody of Mr. John Hamilton, who is by that pamphleteer called *the scribe of the cross petition.* This was sent through all places, and both preached and printed up and down Scotland, and zealously infused into the people's minds, amongst whom it gained belief; which as it irritated them to more fury against the king, so it drew the next share of the odium upon the duke, whereby he was much disabled from doing the service which he desired and designed: with such a series of sad trials was God pleased to exercise him almost all the days of his life.

103 Their appointment at my lady Roxburgh's funeral was to be carried secretly, as if their numerous meeting had been only for gathering a great company to solemnize it with the more pomp, according to the ceremony used at burials in Scotland. The duke took with him near two hundred horse, the half of them were gentlemen, and the rest were their servants. But when they came to the funeral, all that could be accounted of were about a thousand horse; but there were such jealousies among them, and they were so undetermined either what to do or who should command, and so little assurance had they of the adherence of those who were with them, that they parted without coming to any resolution.

104 This attempt gave a crisis to the covenanters' proceedings against them, and therefore, because they came not on the day prefixed to subscribe the covenant, they were declared *enemies to God, the king, and the country;* and it was resolved, that at least they should be made close prisoners, of which

the duke was advertised by the earl of Lindsay. But this was not all the height of the committee's zeal, for on the 17th day of November, by another act, all their goods were appointed to be seized on, their rents gathered up, and their persons to be apprehended wherever they could be found: and a commission was given to soldiers to go take them, warranting them to do it, notwithstanding any resistance was made, securing them though they killed those that made resistance. Southesk was first wrought upon by those thunderclaps: but the duke and his brother, seeing all was past recovery in Scotland, and there was no standing before this unparalleled zeal, prevented their severe orders, and went to court; so he and his brother left Scotland in the end of November.

105 All this while his enemies at court had been with great industry misrepresenting his actions in Scotland, and for this end made use of the forwardness of some Scottish lords who were then at court: yet the king's affection to him and confidence in him continued firm and unshaken till the end of September, (if not longer,) as appears by his majesty's letter of that date, already set down. But the miscarriage of affairs in Scotland, together with the duke's absence, raised some jealousies in the king's thoughts; nor had the duke any friend at court who had such credit with the king as to be able to justify him, and so reports went current without contradiction. But when Mr. Murray came up, and Traquair after him, they gave a truer representation of affairs; therefore, to take off the weight of their testimony, they were charged with accession to the same miscarriages, and many things of a high nature were fastened upon the duke. And the miscarriage of affairs in Scotland seemed to give good colours for casting 251
all the blame of it upon the unfaithfulness or ill-management of those who had his majesty's chief trust in that kingdom (the usual fate of all unsuccessful ministers). Many foul slanders were cast on him, and very scandalous and undutiful discourses were laid to his charge. And to crown all, it was represented that he had set on foot a pretension to the crown of Scotland, and designed to put all once into confusion, that so he might fish the better in those troubled waters.

106 This was the most bloody and pernicious of all the hellish

slanders his enemies could invent, and nothing could raise jealousies in a court like stories of this nature; wherefore they were confidently vented: and it was said, that after he and his brother had betrayed the king's service in Scotland, they were now coming to court to be intelligencers to his enemies; therefore it was necessary to secure him upon his first arrival, and particularly to hinder his access to the king, since it was to be feared that his majesty's affection, with his innocency, which they in their consciences knew was unstained, would quickly break through all those arts that had been contrived for his ruin.

107 The duke was not ignorant of all that was designed against him, nor so totally destitute of friends as to be let perish without sending him advertisements. Any loyalty less than his would upon such advices have kept out of the way till he had sent his justification before him, and had cleared himself of all imputations: but being confident of his own innocency, he resolved to go on, and put all to hazard; so on the 16th of December he came to Oxford. There was at the ports an order left to stop him till the governor were advertised: but the captain of the guard thinking he was in the coach that followed, not knowing himself who was on horseback, let him pass without stopping him. But he was presently followed with an order from the king, confining him and his brother to their chambers during his majesty's pleasure. The duke answered, that as he had ever given a ready obedience to his majesty's commands, so in this he would punctually obey his order.

108 At night secretary Nicholas came to him, and told him that his majesty had received an accusation of a high nature against him, and that he could not be answerable to himself if he had not taken this course with him; but that he might expect from him all favour that in justice he could grant him, and that himself would be graciously pleased to hear as much of his cause as he could, and that all haste should be used in it.

109 The duke answered, that he humbly thanked his majesty for his goodness thus in general to let him know the cause of his restraint; and for any favour in that charge he desired it not, but trusted to the king's justice and his own integrity; only he entreated he might have a speedy trial. And for his

majesty's constant goodness to him he had no more to return to him but his humble thanks, since he had received greater proofs of it than he had either merited or could ever deserve.

110 Next, the secretary called for his brother, who was a little indisposed, and told him, he had the liberty of the town, only he might not come to the king's or queen's court without per- 252
mission; and after that, a guard was set at the duke's lodgings, with orders that none might speak with him except in the presence of one of the secretaries. But Mr. Murray of the bedchamber had been with him at his first arrival, and the duke desired him to give the king a full account of his behaviour in Scotland, and of the necessities that his duty had forced him to when he left the kingdom: and he desired he might have that justice done him, to see the charge that had been given against him, that so he might justify himself, since he was absolutely ignorant of it, and his own conscience did not charge him with any guilt in reference to the king's service.

111 At night Mr. Murray returned to him with a very favourable message from the king, expressing his confidence that he should clear himself of the charge given against him. And by what the writer could learn, it was he that brought him a copy of the charge that was drawn up against him: for the duke got the copy of it before it was put in the due form of an impeachment, being liker a historical information presented to the king, than a legal accusation. That paper was never brought into any court, nor did any thing ever follow upon it; for the business went not the length of a trial; yet it seems too important a transaction of the duke's life not to be inserted, with the answers that were drawn to it: for as soon as the duke got it, he sent to the best counsel then at Oxford, who drew an answer to it wholly in point of law, and himself drew an answer as to matter of fact, and penned a long speech which he intended to make at his first appearance. But those papers (which do yet remain) were afterwards digested into one full answer; and therefore that the reader may not be wearied too much, I shall insert that instead of all the rest, setting down the answer after every article of the charge. Only I shall here premise what I copied out of an original letter of one of the most zealous covenanters (who was a very

considerable man among them, and one of the junto,) to his correspondent; by which the reader may judge what he is to think of the truth of matter of fact alleged in the charge: *I have seen the charge against the duke, and though he has been a great enemy to our cause and work, I cannot but pity him, since he suffers from their hands whom he has been serving.* And after that he adds, *He is in no hazard if he get justice, for the accusation is false, and can never be proved.* This will discover both what the secret thoughts of the covenanters were of the duke, and how false the charge was in matter of fact. But the most material evidences that do clear his innocence, and justify the answers to the charge, have been already set down in the former parts of this work, to which the reader will find some references marked in the margent.

The accusation given against the duke of Hamilton at Oxford, December 1643. 253

112 *Article* I.—That the duke of Hamilton hath of a long time, (yea almost ever,) since he had any considerable meddling in business, endeavoured, in the way of a constant and continued design, both by words and actions, to beget in his majesty's subjects both a hate against the government and a contempt of his majesty's own sacred person; as particularly he himself using most contemptible and undervaluing expressions of his majesty, and his emissaries, instruments or creatures, suggesting, upon the other part, all prejudices to the people, as, that they were now but a province unto England, and had lost their liberty, and that Scotland was now under a Pharaoh that knew not Joseph.

The answer to the former charge.

113 The defendant is charged with many things of a high nature, some whereof, if true, will involve him in the guilt of high treason; other particulars infer a breach of trust, and an abusing of his majesty's confidence in him, with several other heinous aggravations, which if true, the defendant acknowledgeth that no punishment could be found equal to his guilt: and in a matter wherein his life, his fortune, his honour and posterity lie at stake, it cannot seem strange if the defendant plead in law every advantage his learned counsel have suggested, who, besides many things they have laid before him from the privileges of the peers, do assure him that in law every impeachment ought to contain in it the matter of fact, particularly and certainly set down, with all necessary circumstances of time, place,

and witnesses, otherwise the party accused may demur in law. Besides, the charge given against him is so general and historical, so aggravated with scandalous glosses, invective expressions, groundless suggestions and pretences, false collections and inferences, seeming probabilities, with cunning suppositions and conjectures, together with the opinions and words of his friends, acquaintances, and enemies, all so ambiguously penned by the contriver, that he may demur in law upon the whole charge for matter of insufficiency and form, since many insufficiencies and absurdities might be observed in it upon a strict disquisition and dissection of law: and indeed the defendant cannot but desire the last words of the charge be considered, wherein his accusers pretend to be able to prove some of the weightiest points *by several witnesses, and all the rest by some and strong probabilities;* which words alone his lawyers do assure him are sufficient to invalidate the whole charge, since no man can be arraigned of treason upon some probabilities, to which other probabilities may be always opposed with equal colours of truth.

114 Many of the particulars charged upon the defendant were done before the pacification and act of oblivion passed in both kingdoms, by which no remembrance is to be had of what passed before it; and his majesty did verbally express at the last parliament at Edinburgh, that the defendant had carried himself during the former 254
troubles as became a faithful subject, and one that tendered the good and happiness of his country. There was also in that same parliament a particular act passed, declaring he had carried himself during the former distractions as a faithful servant to his majesty, and a loving patriot to his country; upon which the defendant may well plead that he is not bound to answer for any thing charged on him that was done before that parliament, and that his accusers do incur punishment for going against the act of oblivion then passed: nor is he bound in law, as the learned counsel assure him, to answer for any words alleged to have been spoken by him unless questioned for them within three months after they were spoken, according to the laws of this kingdom. But though the defendant hath so far complied with his lawyers as to have named the former particulars, yet it is not out of any design to escape either trial or justice: therefore he is ready to give an account to his majesty of the actions of his whole life, in reference to his majesty's service, whenever he shall be called to it; particularly for the trusts and employments his majesty honoured him with, being so confident of his own constant unstained integrity and loyalty, and of his majesty's justice, that he is not afraid of the issue of the whole matter, himself being so

innocent and his judge so just; therefore he shall answer plainly and particularly to all the matters of fact laid to his charge, leaving the plea in law, together with the necessary distinction of points of treason from misdemeanours, to his learned counsel, when they shall be allowed to plead.

Answer to Article I.

115 To the first article the defendant says, nothing can be more false than that he ever used any such expressions, he knowing well his majesty's affection to that kingdom, and to the liberties and freedoms of it. There is neither time, place, nor persons expressed, to whom such words should have been spoken, nor upon what occasion, nor to the people of what kingdom they were used, nor are any of his actions condescended on to make out what is charged on him; nor knows he who are meant by his emissaries, instruments, or creatures; if any have used such seditious speeches let them be punished for them, but he cannot be answerable for other men, unless it be proved they acted by his order and direction: therefore the defendant simply denies what is alleged in this article, as basely false and forged.

Charge.

116 *Article* II.—That he hath most seditiously endeavoured to exasperate his majesty against his subjects of Scotland, by invectives against them to his majesty, even before their falling off from their obedience: by advising his majesty to make war against them, affirming that his majesty would never be king of Scotland unless he conquered it, which he likewise then averred would be a work only of three months' time; and at the same time encouraging them most treacherously to withstand his majesty, and take from him his power and his rights, particularly exciting them thereunto, by vilifying speeches of his sacred person, that if they awed him, he was such a coward they might have of him what they would, but if they gave him his will, 255
he would prove a verier tyrant than ever Nero.

Answer to the second Article.

117 To the first branch of the second article the defendant says, he
Comp. p. 30. and p. 43.* appeals to his majesty how false it is, who knows well that the commotions of Scotland were begun a year before he was employed in Scottish affairs, which had been before that trusted to other persons of honour in that kingdom; and that the covenant was generally taken, the courts of justice removed from Edinburgh, the tables formed, protestations used against his majesty's proclamations, before

* [The pages referred to are those of the folio edition, which are printed in the margin of the present.]

he was engaged. His majesty also knows well that he had never advised these innovations which gave the rise to these commotions, nor engaged in the affairs of that kingdom but upon his majesty's particular command, without which he had designed to avoid all meddling in them; so that nothing can be more notoriously false than that part of this article is, *that the defendant did exasperate his majesty against that kingdom, or advised him to conquer them before they fell from their obedience.* It is true, after his majesty had thought fit to employ the defendant in those affairs, he did give him clear advertisements of the state of affairs in that kingdom, not sparing his nearest friends, as his majesty well knows; but gave no advice but what he thought agreed both with the duty of a good subject and patriot. He never advised his majesty to conquer or subdue that kingdom, or to govern it as a province; for he takes the suppressing of a party in arms against the king, or who were rejecting his authority, to be very different from conquering the kingdom: and therefore, as he simply denies the first branch of this article, so he refers the clearing of his innocency in this to his majesty, (who cannot but know best what he advised him,) and to the letters he wrote to his majesty, if they be yet remaining.

See p. 38.

The next branch of the article is of a piece with the former as to falsehood. He hath often seen eminent proofs both of his majesty's courage and clemency, and never entertained a dishonourable thought of his person; and he is able by many compurgators to prove, that his discourses of his sacred person have been always such as became a dutiful subject and an infinitely obliged servant. It is not to be imagined he could have used such expressions before witnesses, and if any single person say they heard them from him, he asserts they are liars, and dare not say so if he have a sword in his hand.

Charge.

118 *Article* III.—That whilst he was the king's commissioner he did palpably foment the differences betwixt king and country, as particularly by these evidences following: (viz.) whilst he might have settled at his first arrival all those unhappy differences, by yielding to the people such things as would have contented the country, and which his majesty had given him warrant by his instructions to condescend unto; as particularly by the removal of the Service-book, Book of Canons, high commission, five articles of Perth, and episcopacy only limited in a moderate way; he by the contrary, upon his first coming to Scotland, being acquainted herewith, having the same represented to him to the full, did in a fomenting way, so pleasantly deny, as if he would have had some further to have been sought. And whilst 256

before his coming, all his friends and followers, and such as did belong unto him, did resolutely stand out against that course, no sooner was he come, but all of them, perceiving his strain, did on a sudden quit their former way, and violently join themselves to the other party: witness, amongst others, the late earl of Hadington, sir Alexander Hamilton, his uncle, now master of their ordnance, (a main stickler,) the earl of Lauderdale, and his son the lord Maitland, of all men most intimate with him; to omit his brother-in-law the lord Lindsay, a principal actor in that rebellion from the beginning, and his cousin-german the earl of Glencairn, who continuing long firm for his majesty, in end (by his secret solicitation as is thought) made defection: by which and such like he cunningly necessitated the breaking up of the assembly at Glasgow, that the water might be once troubled, and the country quite abandoned unto themselves.

Answer to the third Article.

119 To the third article the defendant says, he was so far from fomenting the differences betwixt his majesty and his subjects of Scotland, that he did all that was in his power to bring matters (which were quite embroiled when he went commissioner thither) to a happy close; and that he did yield to them all such things as he had power to grant, which he is ready to make appear by comparing his actings with his instructions. It seems the accusers knew well what would have satisfied the country, but understood little what his instructions were. The covenanters in all their petitions to the defendant expressed that nothing would content them without a free assembly and parliament, and the defendant being neither instructed to do that, nor the other particulars which by the article are falsely said to have been in his instructions, he, after he had proclaimed all the favours he was empowered by his majesty to grant, came to him to this kingdom, and received new instructions, according to which he proclaimed all he had warrant from his majesty to grant: nor did he ever deny or conceal any of his majesty's graces to his people, or provoke them to new desires, but did all was in his power to make them rest satisfied with his majesty's gracious concessions. He also stayed with the assembly of Glasgow as long as his instructions warranted him, and did all he could to keep them from those extremities which enforced the rupture; and in his whole proceedings he carried along with him, not only the assessors his majesty appointed him to advise with, (the earl of Argyle only excepted,) and the secret council, but likewise the bishops, whose advice he got and followed: all which he is ready to make out by comparing his instructions and his majesty's letters to him, and the letters he got

See p. 40. n. 7.
See p. 50, 51.
See p. 64.
See p. 107.
See p. 96, 97.

from the bishops, with his proceedings at that time, from which the falsehood of this article will plainly appear.

120 Nor can he be charged with the faults of his friends or his followers. It is known how much the places where his interest lies, were gained to those courses before he was commissioner, and yet many of his friends did stand out against the courses others then followed, though they were not able to make head against the more prevailing party round about them. For the earls of Glencairn and Lauderdale, they continued in their duty to the king till the pacification, nor did they take the covenant (for ought he knows) till his majesty allowed it; for the earl of Lindsay, he did not join in these 257
courses after the defendant went to Scotland, but engaged in them from the beginning, though much pains was used by the defendant to divert him from them. And as the defendant is not answerable for the actions of his friends, much less is he accountable for the thoughts of his enemies, who may charge what they please on the suspicions of his secret solicitations, which are their own groundless and malicious forgeries: therefore this whole article is false, as the former are.

Charge.

121 *Article* IV.—That he traitorously betrayed his majesty's service while he was in the Frith, and had his majesty's trust and command of his fleet and forces therein: and whilst he was thus, as appeared, in arms for his majesty, he intended nothing less, as appears by his friends and followers their underhand dealings, suggesting that his taking that charge upon him was out of his love and respect to his country, thereby to prevent that some other should not be put upon it, who might have made use of that power and force to their prejudice, whereas he never intended any such thing; by which he did not only most basely betray his majesty's trust, but there did also endear himself to the people, and by the same means exasperate them against their king and sovereign. And that he was not only accessory hereto, but really guilty of the thing itself, appears by his own discourse to divers persons, that if he had pleased he could have landed his forces, and done what further he was warranted by his commission, but that he never intended it; which double dealing may be yet more clearly evinced, in that he had frequent private meetings, correspondences, and practices with the counter party, as particularly by his ordinary appointments upon the sands of Barnbougal, and other places next adjacent, where he usually kept his meetings with some who were most desperate leaders and promoters of these

courses. And the prime instruments of the committee and cabinet-councils there amongst them, then at the very same time, and in the greatest heat of all the business, did profess and give assurance, both by word and under their hands, that Hamilton was the greatest favourer that ever their good cause had, notwithstanding of all that the formality of the time obliged him to profess to the contrary. And not only in Scotland, (where it was generally known to be so,) but even some of the Scottish commissioners did profess to some of this kingdom, that Hamilton had done things which they did not approve; but yet that he had been much more friend than enemy to the courses of the country, and had done much more good than evil: yea Argyle himself, upon a private dispute, falling into heat, delivered, that he and those others did nothing but by Hamilton's directions, knowledge, or private approbation. As also whilst he was in the same expedition, being frequently invited by all his majesty's good subjects then in the northern parts of Scotland, he most treacherously betrayed them, and abandoned the business, as particularly can be instanced by the marquis of Huntley, who being appointed to receive his majesty's orders from time to time by Hamilton, whilst he did endeavour at the beginning, at Turreff and other places, vigorously to suppress that party, was straitly inhibited to engage; but by the contrary, by peremptory orders, willed to suffer the malignant party to be the first beginners, by which restraint the business was totally ruined, as is notoriously known. After which, the viscount of Aboyn, being clothed by his majesty with commissions, and to have had some experimented officers along in that employment, the said duke of Hamilton did break off 258
that probable course, and engaged such of his own election and trust, who did so evidently miscarry the business, as thereafter they were to be accused by the whole noblemen and gentry of that party. Like as he having got orders about the same time from the king, to send sir Nicholas Byron's regiment to assist the king's party in the north, who could easily have reduced all that country to his majesty's obedience; notwithstanding thereof, and of their frequent solicitations to have it done, he still shifted the business, and would never give way to it, pretending that he had some other design in hand for them, though all they had to do was to die below decks, and be thrown overboard into the sea. And how often he might have put forces great enough to land, and how frequently he was invited to it, the whole kingdom can bear witness.

Answer to Article IV.

122 To the fourth article the defendant says, it is most false that

he betrayed his majesty's trust or service when he commanded the fleet, and that he is ready to justify every step of his actings there by his majesty's instructions and letters, which he received every third or fourth day when he had that employment; nor is he answerable for what others might have said of him. His majesty knows well that he did not desire that employment for himself, but, conscious of his own unfitness, entreated to be excused from it; this his majesty not allowing, he undertook the service: and his majesty likewise knows what informations and advices he sent him, and that he gave punctual and ready obedience to all the orders he received. Nor was his service there useless, for besides the great diversion it made by the huge bodies were left to guard the coast, he took divers ships, particularly some coming from Germany with many officers, who were returning home to offer their service to the covenanters: and his carriage was so far from making him gracious to that party, that none was more odious to them, which appeared in the curses and reproaches were cast on him as he passed through the streets of Edinburgh to possess the earl of Forth of the castle, a little after the pacification; nor had it been possible for him to have escaped at that time more sensible affronts, if he had not taken some leading men of the covenanters along with him. When the defendant was in the Frith, he sent his majesty's proclamation to those then in arms, and used all means possible to engage them to a compliance with it; nor had he any conferences with them in secret when he was aboard, but had always some witnesses by when any were sent from the covenanters to him, and did immediately give his majesty an account of all that passed; for proof whereof he desires his letters to his majesty be examined. Neither had the defendant any orders to land his men till his majesty was come to Berwick, but had express orders to the contrary: and it was thought, that his lying in the Frith did more amuse the enemy than his landing could have prejudiced them, since they being uncertain where he might land, great bodies were kept upon the whole coast, which if he had landed had gathered together against him, and had been too strong for him, being about four times his number. Nor did the defendant make any appointments on the sands of Barnbougal, as is most falsely alleged; nor did he ever set his foot on land, except on the isles of Inchcoln and Inchkeith, all the while he lay in the Frith. It is true he was once very near the sands of Barnbougal, but on a very different design: he chasing a bark that run herself aground

See p. 114.
See p. 144.
See p. 124.
See p. 133.
See p. 131, 133.

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there, was likewise stuck fast, and had almost been taken prisoner, divers volleys passing betwixt his men and those on the land; but
See p. 138. his boatmen, with much ado, got him off. Nor had the defendant any orders to proceed to hostilities till two of his regiments were called to the camp, nor could he safely land the other that remained, consisting only of seventeen hundred men. It is true, upon his majesty's orders he was resolved to do the enemy all the mischief he could, but about thirty hours after he got these orders (in which time he was considering where he was first to make an impression, and did go out himself to have fired some ships, but by a mischance was run on a shelve, so that he lost that tide) they were counter-
See p. 139. manded by new orders: for his majesty having resolved to treat with the enemy, commanded him to go on to no more hostilities, but to come and wait on his sacred person; so that the defendant having in all things followed his majesty's orders in that service, was well approved of by his majesty. Nor can any thing be charged on him from what the leaders of the contrary party might have said or written of him, either then or since, which might have been done on design either to encourage their own party, or out of hatred to the defendant, that thereby they might possess his majesty with jealousies of him. Nor was the defendant ever invited by his majesty's
See p. 140. good subjects to come north, except by one letter the earl of Airly wrote him, which he got after his majesty called the two regiments from the fleet; and about that time his majesty commanded him to stop all hostilities, and give attendance on his person. He had like-
See p. 123. wise express orders from his majesty not to think of the north, till some good were done in the south; and it is most falsely alleged,
See p. 117. that when he was there he abandoned the marquis of Huntley, who was taken prisoner before either he or his men were shipped: and the orders he sent that marquis were by his majesty's express commands, founded on very good reason, that he should not make a rupture till his majesty's forces were drawn together, and near the borders, lest (as by the event did appear) the enemy should have overpowered him if he begun too soon; and, as the defendant hath been informed, that business was ruined, not by the restraint these orders gave, but by the treachery of some of the defendant's ac-
See p. 135. 137. cusers, who were then in arms against him, and took that marquis under trust. And when the viscount of Aboyn came to the defendant with his majesty's letters, (which were of a very old date,) he was supplied to his heart's desire, as himself professed. His majesty had before his coming called away two of the regiments that

were with the defendant, and he had orders not to weaken the other; so false is it that he had orders to send Byron's regiment to the north: but he gave the viscount of Aboyn some experienced officers, arms, ammunition, and money. And the defendant hath been well informed that the miscarriage of that attempt did not flow from those he sent with that lord, but that being encountered by soldiers commanded by some of the defendant's accusers his lordship betook himself to his heels, but the others, whom the defendant sent with him, behaved themselves gallantly, and laid all the blame of their bad success on that lord. It is also false that Byron's regiment was kept to die below decks, since, from the time they went aboard till they were discharged, there died not ten of their number: so false is this article in all its branches and assertions.

Charge. 260

123 *Article* V.—That in all his demeanour he went about to advance the designs of that people against the king, as by secret encouraging them to persist in their obstinate courses, so by private discouraging of well-affected men to persevere in their allegiance; and in particular did advise some noblemen (who craved his opinion how they should behave themselves in these distractions) to agree with the country, and go home and make their own peace. Like as after the pacification at Berwick, continuing in his wonted strain of incensing, in an underhand way, the people against their king, being demanded why he denuded himself of his former commission, his answer was, because he knew the king intended to keep nothing of that which at that time he had condescended unto, otherwise he would not easily have parted with the honour of that service. By which he did so wound the king in the opinion of his subjects, of the sincerity of his intentions, that as no one thing did at that time breed more rubs and difficulties to his majesty's service; so is there nothing by which the people are more readily and easily stirred up to the present rising in arms, than the opinion they then, and, by his continual underhand working, have since drunk in of the king's intention to reverse (in case he should prevail in England) all the acts and favours he had condescended unto to his subjects of Scotland.

Answer to the fifth Article.

124 To the fifth article the defendant says, he ever studied, by all the means that became a good subject and countryman, to bring the differences betwixt his majesty and his subjects to a happy temper; and he desires the malice of his accusers in forming this article (as

all the rest) be considered, wherein base discourses and advices are fastened on him without naming the persons to whom they were given: and in this he cannot but commend his accusers' prudence, who have named no person till they have tried upon whom they can so far prevail as to be guilty of the wickedness of owning such lies. The defendant can prove the contrary by many, in whose preservation it is to be supposed he is more concerned than in any they can name, with whom he used his utmost endeavours to persuade them to adhere closely to his majesty's interests, which prevailed on some, though not on all; nor did he advise any to agree with the country, till he knew his majesty was resolved to end the business in a treaty; in which case it could be no crime to advise any to make their own peace; nor did he ever infuse into any person a jealousy that his majesty would void the happy settlement of Scotland: sure he is, he said and did all was in his power to root these jealousies out of the subjects' minds; which he can prove by innumerable witnesses and presumptions; and no man durst say he heard any of the discourses mentioned in the article from the defendant, if he were in a capacity to call him to an account for it. Nor did he desire to be freed of his commission on the account that is falsely alleged in this
See p. 146. article, but finding his continuing in that place gave a jealousy, not only to the country, but to the councillors and officers of state, as if too great a trust had been heaped on one person; and apprehending that the expense and greatness of that character continuing long in one man would breed envy, and much retard his majesty's service, he desired a fitter person might be put in that high trust, and that he might be suffered to continue about his majesty's person, who he supposes does remember well upon what grounds he desired to be freed of that great but invidious character: thus this article is also 261
entirely false.

Charge.

125 *Article* VI.—That in the petition to his majesty for discharging the annuity, (which was not so much pretended for that, as to be a pretext under which a firm bond and association might have been contracted amongst all loyal subjects, for the preservation of the king's person, honour, and authority, and a strict conjunction amongst themselves,) he could not be induced to put his hand to it, until a clause conceived in favour of his majesty to the effect above expressed (as too great an eyesore) was dashed out; and the same thus dashed being sent up to court, and the desire of the petition most graciously condescended unto by his majesty, and delivered unto the earl of

Lanerick, chief secretary, the same was kept up, to the great amazement of all those noblemen and gentlemen who had signed the same, and total discouragement of others to appear in that or any such course thereafter.

Answer to the sixth Article.

126 To the sixth article the defendant says, that he sees there is nothing so false but his enemies have the impudence to fasten it on him, since he was one of the chief contrivers and promoters of that petition, as he can prove by hundreds of witnesses; nor did he dash or cause to be dashed out any clause that was conceived in his majesty's favours, which his enemies, with their usual falsehood, say was too great an eyesore. It is true, he saw divers draughts of a petition against the annuities, and some of them had expressions in them which the judicatories of that time would have declared contrary to acts of parliament, which, by the advice of good lawyers, all that were well-affected to his majesty's service rejected; and yet the draught agreed to will be found to contain very plainly the assurances of their fidelity to his majesty: and that draught being agreed on, the defendant sent it to all the places where he had interest, and procured very many subscriptions to it; so unjustly is the defendant charged in this article. But as these subscriptions were thus procured, the council stopped all further proceedings in that business by a declaration, forbidding any to subscribe it; nor did his majesty send any answer to those petitions to the defendant. It is true, by his instructions he did empower them to discharge the annuities to such as had petitioned about them: if this was not done, it was not only the defendant's deed, but was the concurring opinion of the others joined with him in trust by his majesty, who he doubts not shall be able to give a very good account of that, as of all the other particulars committed to their trust, whenever his majesty shall call them to it, and shall shew him very good reasons why they did not proceed any further in that affair.

See p. 211.

See p. 220.

See p. 223.

Charge.

127 *Article* VII.—That since he left his majesty at York, he hath been still labouring to frustrate the good intentions of his majesty's faithful subjects of Scotland, and to bring matters to the pass they are now at, which may be clearly evinced by the particulars which follow. First, when some noblemen of that kingdom, well-affected to his majesty's service, perceiving the intentions of some there to engage that nation in rebellion with the malignant party here, made offer of all their best services and ready endeavours to prevent the same, for them-

selves, and in the name of all the king's greatest and best-affected party there; he, to disappoint those promising and evident courses, thrust himself into the business, and in a very seeming plausible 262
way undertook to keep that kingdom in peace and quiet, and from attempting any thing upon this nation, or against his majesty's service now depending here, and (to make it appear the more specious) without making use of any force, or putting his majesty to any trouble or charges; and withal solemnly engaged to break off all his alliance, ties, and friendship with the marquis of Argyle, (who doth make himself so much the head of that rebellion against his majesty,) or otherwise persuade him to acknowledge himself, and become a good subject, and that betwixt and three months thereafter at farthest: the effect of all which undertaking had this result; first, that immediately upon his return to Scotland a convention of the estates was indicted without the king's knowledge or consent, a precedent whereof can never be shewn in any records; which coming to his majesty's knowledge, he did immediately direct a letter under his own hand, willing that Hamilton, and some other of his complices, who had his majesty's trust for the time, should declare the said meeting illegal, and disapprove it in his majesty's name. About the time of the receipt of which letter the said Hamilton, and some of his cabal, did employ the earl of Calander from them to speak with a great many noblemen of the king's party, and take their advices in what was to be done; and they who understood nothing of his majesty's letter, (it being altogether kept up from them,) declared all in one voice their judgments were, that his majesty should disclaim the convention, and declare it illegal, and that they would all be willing to join with Hamilton and his party, and take their lives in their hands to maintain his majesty's honour and authority, and free themselves from the slavery of those rebellious tyrants. It was answered them again by the said earl of Calander, (his majesty's letter being still suppressed,) that the king would needs approve of the convention with limitations; to which it was replied, that they behooved either to be very ignorant or unfaithful who had given his majesty such advice, seeing those people would never confine themselves within limits, or take a part, if it should be left them in their power to extend themselves and overreach all; and that they would on no terms assent to any such course, as being intended for nothing else but a hollow undermining of his majesty and all his faithful subjects. So they parted with little satisfaction on either hand; and some days thereafter the said

earl of Calander was again directed to the same parties, to persuade them still to the former overture, but to no effect: yet in end, lest the service might seem to suffer by so much difference in opinion, they desired Calander to shew Hamilton and those of his party, that since he was only trusted and employed by his majesty in the business, their affection and tenderness to the service should make them very unwilling to differ with him in the way; and however in their own judgments they did no way approve that the king should so far wrong his authority, as to allow of any such illegal proceedings, which did portend from bad causes worse effects; yet, since his majesty would do it, and they needs have it so, they should go along, but with one *caveat*, which was, that if the convention did not observe these limitations prescribed by his majesty, in that case, that they should protest, and withdraw presently from the house; and that then all who were for his majesty's service should immediately join themselves together, and take the field. This being solemnly concluded, and with much attestation, it was resolved, that all who did affect the king's service, and had vote in the convention, should be present there, upon certain hopes that they should be able to balance either by voices all violent courses, or at least to protest against them, and adhere to his majesty's service and authority in a vigorous way. But all their great promises and fair assurances 263
were either not intended or very soon forgotten: for whilst it was the first act of the convention, after his majesty's letter was read, to voice themselves a free assembly as any had ever been kept in that kingdom, notwithstanding of the restraints in his majesty's letter, and that in that case protests and declarations, and every thing else in his majesty's behalf, were faithfully assured, they came so short of that, as when Hamilton's voice was asked, and all expected he should have made a protest, he pronounced so doubtful an oracle, as Argyle seeming to question of what spirit it came, (though no question it had been oft so concluded among them the more to possess others with panic fears,) desired he should explain himself, if that he meant not thereby any protest; who answered, that he never intended to protest against a national convention, and that it seemed his words were very much mistaken. To second this, his brother Lanerick, the king's chief secretary, rose up, and had a discourse to qualify Hamilton's expressions, and free them from all such disloyal blemishes as a protest in the king's behalf: so all who were to have declared themselves for his majesty, being surprised by so strange and unexpected a way, withdrew, and retired themselves from the meeting in a general discontent. And yet their affections being such

to his majesty's service, as they were unwilling to leave it on these terms, however so badly handled, would not let it rest there, but would yet put him a little further to it, making again the offer of all their best endeavours for his majesty's service; desiring that since he was only the person chiefly employed by his majesty, and one who had most interessed himself in the king's trusts, that they might be directed by him in the matter of his majesty's business how to carry themselves, and whether or not it were more fitting for the service that they should sit in the convention or absent themselves, or do whatsoever else. He was so far (notwithstanding of his employment and trust) from giving information, encouragement, or advice, as all that he returned them for their affection and faithfulness to his majesty's service, was, that they might use their own discretions, and do as themselves should think fit; which did so evidently discover unto them his hollow-hearted cunning, the ruin by consequence of his majesty's affairs, the slight and cold way they themselves were used, and the ticklish condition he had so mired them into, as they seemed constrained for the most part to keep the convention, and countenance all those illegal and rebellious ways were taken in it. And it is likewise to be remembered, that notwithstanding his majesty's letter, wherein he declared his express pleasure anent the discharge of that illegal indiction, that they did not only suppress the same, and keep it up from the knowledge of the king's faithful party there, but also did procure from his majesty an allowance to that illegal meeting, contrary to his majesty's pleasure already expressed unto them, and the wishes and desires of all the faithful party in that kingdom. It is also to be called to mind, that after all hopes and probabilities of the king's service in the matter of the convention were absolutely deserted and given over, that Will. Murray, who was commanded by the king to agent his affairs there then, desired a meeting of those of the king's party who had already kept these two appointments with Calander before the convention, who (notwithstanding his majesty's service had been so grossly and palpably already miscarried, and they themselves so notably abused in it) being willing to study rather the remedies than regrate the disease, and redeem the time rather than complain of its loss, once for all were content to hear what could be propounded for the recovery of business; which only proved that they would undertake and join to regain that aftergame which a few had spoiled, and all given over. Notwithstanding whereof, they gave it 264
Will. Murray back in his commission to Hamilton and his complices, that if they would really and even down put on a resolution to

appear vigorously and to purpose in the service, they in that case (to shew they should not mingle themselves nor any of their particulars) would be willing to follow, were it Hamilton or any, in what should prove to the advancement of the service: otherwise, if they thought that too much, that they would be willing to join hand in hand, and put their lives and fortunes and all together at the stake with them; and if that did not satisfy, but that they esteemed it too rash a business for men of so much cunning to engage in, that they would but approve them to put it to a hazard, and they would willingly take their adventure, which should they carry they could be very willing that Hamilton and his party should have the esteem of it, did they miscarry or succumb, that he and his might take their own course of safety without being concerned in their misfortunes. This commission being home and heartily delivered, it was promised by Will. Murray, that Hamilton and his party should be presently put to it, and an answer returned; for the more hasty despatch whereof, they sending along one of their own number to expede the return, Hamilton and his complices being several times convened and pressed upon it, did absolutely refuse to meddle in that kind, which was all their answer: so that the other being willing, notwithstanding of all these hollow-hearted treacheries, both before, in the time, and after the convention, either to follow, join, or hazard alone in his majesty's service, would they but approve it, they refused all either to do alone, join, or suffer others to do it; after all which there could be nothing resting but an invincible necessity to know his majesty's own mind, since they who had his sole and absolute employ and trust did so much abuse it to his disservice.

128 By all which points, circumstances, and cunning fetches, to bring this convention to the wished period, it may clearly appear to every undeluded eye, that he is accessory to that bad plot of raising this army in Scotland to disturb the king's affairs in this kingdom, that so, all being brought to a chaos of confusion, he might the better fish his hopes and ends from amongst so troubled waters.

Answer to the seventh Article.

129 To the seventh article the defendant says, he does not much wonder that his enemies have filled this up with many falsehoods, since they have the impudence in the former articles to fasten many things on him which were known to his majesty to be falsehoods: but no wonder their malice does culminate in aggravating the particulars of this article, they being recent and passed since his majesty was in Scotland, and since the defendant had the honour of waiting

on his majesty, and giving him more particular informations than letters or messengers could carry; and the tragical event of affairs seems to offer colours (as is usual in such cases) for charging those who had the chief trust in them. But the defendant doubts not he shall be able to make appear the falsehood of this article, in all these particular instances with which he is charged: and first, his majesty knows best of any if he did thrust himself into affairs, and if he did not act only as he was commanded and employed by him; nor does the defendant know who those noblemen were that made such offers: his majesty knows better if any such were made. The defendant knows well that some of his accusers made some offers to her majesty about eight months after his majesty had sent him to Scotland: but as these offers were designed to make his majesty the first 265
breaker, which would have been infinitely to the prejudice of his service, and have given incurable jealousies to the subjects of all his majesty's concessions, so no rational methods were proposed for prosecuting them; and it seemed they flowed from the desperate state those lords were in, who had engaged as deep against the king as any had done; but afterwards not meeting that esteem and those rewards which their ambition and vanity had designed, and their fortunes being ruined, they pretended much zeal for the king's service, but offered no rational appearances of being able to prosecute what they undertook. But the defendant, as both their majesties well know, laid the whole matter before them, with his own opinion, and the grounds on which he went: and they do also know with what impudent falsehood it is alleged that he undertook to keep the kingdom of Scotland in peace, since both in his discourses and letters he often said, he would undertake for none but himself; and that he very much feared the conjunction of that kingdom with the two houses, and that the utmost of his hopes was to keep off things by delays for that year: and in this he appeals to his majesty, and to all in the court with whom he kept correspondence. And for his engagements to break with the marquis of Argyle if he did not faithfully adhere to his majesty's interests, it is well known how ill an understanding and how little correspondence hath been betwixt the defendant and Argyle these twelve months past. His majesty also knows, that when the chancellor of Scotland was sent up last, the defendant wrote to him to look well to him, for it was believed (and it was the defendant's own opinion) that if he went to London he would engage in an union with the two houses, in name of the kingdom of Scotland, of which when his majesty challenged the chancellor, he denied it, and said, these were jealousies infused into

Compare p. 212 with p. 199.

See p. 215, 227, 228.

See p. 210.

his majesty by the defendant; so far was he from abusing his majesty with vain hopes. Nor is it strange that his enemies charge falsehoods on him in matters pretended to be transacted among few hands, since they are so impudent in matters that were public as to say, that immediately upon his return to Scotland a convention of estates was called, for that was not done but after he had been sent to Scotland almost a whole year: and all that time the defendant did render his majesty such services, that he was pleased out of his royal goodness not only to write him many letters of thanks, but to confer divers marks of his favour on him. And when the convention of estates was appointed to be called, the defendant did all he could to oppose that resolution, and entered his declaration against it, which is yet upon record, having omitted nothing he could either say or do to hinder the calling of it, for which service he received a particular letter of thanks from his majesty: and the defendant says, that there was no letter written from his majesty to him, to hinder the meeting of that convention, nor does he know who are meant by his complices or cabal, as they are afterwards called, except those lords whom his majesty joined with the defendant in the instructions he sent them. The first article of these being that they should do all was possible for avoiding divisions among his majesty's subjects, and a latitude being left for them to do what might be most for his majesty's service on their perils, and as they should be answerable, they were to consider what was most to his majesty's service. It is true, his majesty did direct a letter to the council to forbid the meeting of the convention, but did remit it to the consideration of the lords whom he had trusted, whether it were fitter to deliver or conceal it; upon which they were obliged to consider what was best to be done; nor was it fit for them to divulge that letter, till it was considered whether it should be made use of or not. But the lords that had his majesty's trust did call some meetings of all who were judged best affected, to consider what advices were to be offered to his majesty; and they all did return their joint advices, with the reasons that prevailed with them, to his majesty, wherein the defendant was but one of seven, and so is not to be charged nor answerable for the advice so given; since they only offered advertisements to the king, with their advices and the reasons that prevailed with them; and as his majesty (who could only judge what advices were best) gave orders, so they did act: if the advertisements sent were false, or their advices against law, they are accountable for them; but are not bound to answer for the good success of every thing

Compare p. 195 and p. 218.

See p. 218.

See p. 232.

See p. 219.

See p. 245.

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See p. 230.

See p. 226.

they advised, that being in the hands of God: and neither the defendant, nor any other joined with him in trust, did advise his majesty to authorize the convention, but only to allow them liberty to sit, so they kept within the prefixed limits. And there was good reason for offering such advice, his majesty's affairs not being in so promising a condition that it was fit for them to begin the rupture; and it was certain that these who called the convention without his order would have acted in it notwithstanding his prohibition, which must have either affronted his authority, or precipitated a breach, which could not bave been done at that time without the ruin of the king's affairs in that kingdom. The defendant did at that time desire the earl of Calander, that he would use his endeavours with some of these who pretended zeal for the king's service, and are now the defendant's accusers, that they would lay aside all private animosities and concur in his majesty's service, and offer their opinions with the method in which they desired things might be carried on, and the defendant offered them all possible satisfaction in every thing, for which they stood at a distance from him: but that earl brought answers very far different from what they pretend they sent, and all wise men looked on their propositions as so extravagant and unpromising, that none could think them fit to be followed. But the defendant denies there were any such engage-
See p. 224. ments passed as in the article is falsely alleged, yet, when the convention sat, the defendant did often, and no way ambiguously, but very plainly, declare he did not own their authority, nor would give obedience to any of their acts that were beyond the bounds prefixed in his majesty's letter: upon which he withdrew with divers of his friends, and did advise and prevail on many to follow his example. It is true, some came and asked his advice, of whose fidelity he had no reason to be assured, judging, not without grounds, that they came to him on design to trepan him; and therefore he told them, that for his own part he was resolved not to acknowledge their authority, nor give obedience to their commands, by which they might easily judge what he would advise, seeing his practice. It is also false, that the defendant procured from his majesty an allowance to that convention, since the letter his majesty wrote was so far from 267
allowing it, that it particularly challenged the illegality and nullity
See p. 232. of that meeting; and the convention was so far from thinking themselves authorized by it, that they refused to stand to it, or so much as to put it on record. It is also false that any such offers as are vainly and without truth said to have been made to Mr. Murray were ever brought by him to the defendant, or others intrusted with

him: he was indeed employed to deal with them to overcome their untoward jealousies and ambitious vanity, but with no success, as he reported and is ready to make good; but they venting their implacable hatred and ill-grounded jealousies of his majesty's faithful servants, left the kingdom in the summer, and possessed many with such prejudices, that they infinitely retarded his majesty's service, and divided the small party that adhered to him: yet his majesty sustained no prejudice from Scotland all that year, which was the uttermost that ever the defendant gave his majesty any hope of. But it is most basely false, that the defendant did bring the convention of estates to the wished period, since he did all that was in his power to hinder its sitting, and to get it broken up as soon as it sat down. It is also false that the defendant was on the design of raising the army in Scotland, which he opposed by all the probable and honest ways were in his power, and was ever ready, upon the least appearances or hopes of success, to have hazarded his life and fortune to hinder it: and therefore sent frequently to England for those supplies, without which their attempt could signify nothing, but the exposing the king's party in Scotland to the scorn and malice of their enemies. But the necessity of his majesty's affairs in England did so retard the answers, that opportunities were lost, and the other party had prevailed over all, which forced the defendant to fly out of that kingdom, order being given for seizing on his estate, and taking and imprisoning his person; and yet affairs there are not quite desperate, but the defendant had many very probable propositions to have offered to his majesty, the maintaining of whose prosperity and authority hath been the constant design of his whole life.

Charge.

130 *Article* VIII.—That he hath endeavoured to set on foot a title to the crown of Scotland, having treated with foreign princes touching his claim thereunto, and desired their aid and assistance to his right, protecting and maintaining such as wrote treatises in his behalf and claim to the crown.

131 Besides all which particulars of his treacherous sowing of sedition betwixt his majesty and his subjects, his undervaluing and reviling his own sacred person, his fomenting all the unhappy differences betwixt king and people, his exciting of each against the other, his pouring of oil into the fire betwixt them both, his direct attempts upon the crown, and intentions to usurp, his late carriage doth give too evident a character of his invincible disloyalty; as particularly his treacherous carriage, before, in the time, and at the late convention; his juggling

in the business of the counter-petition, and that of the late pretended bond, which are so notorious truths, and so evidently to be instructed by all his majesty's good subjects, but more particularly by those with whom by his majesty's special command he kept a seeming correspondence. Besides divers other circumstances, whereby it may be clearly demonstrated that he is of the party with them that have raised this rebellion in Scotland, namely, that in the instructions 268
given by that faction to the earl of Lowthian in his late French negotiation, one of the particulars earnestly recommended to him, was, to desire of the crown of France restitution of the duchy of Chastleherault to him, which in all probability they would never have done in his favour, if they had taken him for an enemy to their designs and purposes.

132 Last of all, it is craved, that in respect of his unexpected arrival here, there may be liberty to add and amplify this charge as occasion shall offer.

133 One particular omitted above is not amiss to be here inserted, at what time the business of the Scottish covenant was at the greatest height: a distressed gentleman of Scotland, sir John Ferguson, desired the loan of some money from sir John Hamilton of Broomhill, (whose relation and interest every way to the duke are known to every one who knows them both,) who answered him in flat terms, he would neither give nor lend him a penny, except he and his sons would bind themselves to go home and sign the covenant, upon which condition he offered to lend him what he sought.

134 We do engage, from our faithful respects to his majesty's service, without any consideration or interest else whatsoever, to make good this charge, some of the weightiest points by several witnesses, and all the rest by some and strong probabilities.

Answer to the eighth Article.

135 To the eighth article the defendant says, here lies the masterpiece of his enemies' malice and calumny, to charge him with a point treasonable in the highest degree, without offering one circumstance to make the truth of it appear probable: and such public things as the setting on foot a pretence to the crown, the treating with foreign princes touching his claim to it, the authorizing and protecting of any who wrote in defence of his title, must have been notour and known things, and yet no particular is here named; which clearly shews the forgery of the whole, on design to beget in his majesty jealousies of the defendant, who knows of no such title to the crown, but acknowledges his majesty's and his posterity's (whom he prays God to preserve) their undoubted right to the crown. And as the

defendant acknowledgeth the great honour of his relation to the royal blood, so there is no more reason to charge him on that account than to charge any others who are more nearly related to his majesty, as are all the noble branches of the prince elector Palatine's family. But as the honour of that nearness of blood had no other effect on the def.ndant's rogenitors, but to quicken them to serve his majesty's ancestors with the more zeal, which appeared most signally in the reigns of queen Mary and king James his minority; so the defendant hath in that always traced their steps in the same faithful zealous loyalty; nor can so much as a colour for any of the impudent forgeries in this article be made out. The defendant never heard till he saw it in his charge, that any did ever write for his title, nor does he believe it a whit the more for that: but if any such thing be, let the authors of such treasonable books be punished according to the merit of so high an offence; sure he is, he shall neither protect nor encourage them. But he does not doubt this is a forgery, as all the rest are. The other particulars are an invidious needless repetition of what hath been before falsely alleged in the charge, and so is already answered. The particular of the earl of 259
Lowthian's instructions can be no presumption, much less proof against the defendant, since these instructions were signed long before there was a breach betwixt his majesty and that kingdom: they were also brought to his majesty, who signed them, and not only by his written instructions did appoint the earl of Lowthian to endeavour the restoring of the defendant to his right in France, but did also recommend it verbally to Lowthian very earnestly. For the discourses that passed betwixt sir John Hamilton and sir John Ferguson, the defendant knows nothing of them, nor is he accountable for what others, whatever their dependance on him be, have spoken; he knows not whether sir John Ferguson ever took the covenant or not, but this he knows well, that he did recommend him to his majesty as one that suffered much for adhering to his duty to his majesty, and did procure several marks of his majesty's favour for him.

136 And thus the defendant hath plainly, and in as short terms as was possible, and with all the moderation such things can allow of, answered all the particulars charged upon him; wherein he doubts not but it does appear, especially to his majesty, (who knows well how he is able to make out most of his answers from his own royal commands, warrants, and instructions,) with how much falsehood and malice he is accused, so that little credit will be given to the impudent, base, groundless, and improbable forgeries, devised to ruin the defendant; who, as he is ready quickly to adduce the

main and most substantial points of his evidence, so he begs, as an act both of justice and goodness, that his accusers have a competent time prefixed them for the bringing in and finishing their evidence, that if the defendant be found guilty, he may receive condign punishment, and if innocent, that he be exhonoured of this charge, and liberated of this disgrace, and suffered to accuse his accusers for the falsehoods, lies, and calumnies with which they have studied to abuse his majesty.

137 The duke having got the charge, desired Mr. Murray would earnestly move the king that it might be put to a speedy examination, and that his accusers might be ordered to go about it as soon as might be: they excused themselves, saying, it was impossible while the commotions lasted to get their evidences brought. The duke hearing of this, said it was the saddest thing imaginable to keep him under such high imputations to so long and indeterminate a term: for though no man wished a speedy end to those troubles more than himself, yet there were sad grounds to fear they should prove too lasting; and it was hard to keep him under so deep a disgrace and such cruel aspersions to that uncertainty. Much was also alleged from the laws of England and privileges of the peers against this procedure. His enemies fearing these reasons might at length be heard, procured an order in the beginning of January for sending him first to Exeter, on his way to Pendennis, a castle upon Falmouth in Cornwall, to be kept prisoner till his trial were ready to be gone about.

138 Lanerick was as active as he could both for his brother and himself. The particulars he was charged with did not amount so high, and were chiefly his concurrence with his brother; 270
for the affection and confidence betwixt them was so entire, that all judged the one could not be innocent if the other was guilty. The two English secretaries were appointed to examine him, but he answered them only in some general things, and told them, that for those particulars of his late trust, divers other Scottish lords were concerned in them, and it was not an English business; and therefore he desired liberty to give his majesty satisfaction, but refused to do it to any other person. And he seeing the party made against them was so strong, did earnestly crave liberty to go beyond sea, since he could not be so happy as to serve his majesty longer in

Britain: and he engaged his word of honour never to meddle any further in British affairs, but as soon as he should be called home, to undergo his trial, he should, upon the faith of a gentleman and Christian, return, since it was hard that they should be condemned to the infamy of so long a disgrace without any trial. But to this he had no return; and it seemed that none of these messages were faithfully carried to his majesty.

139 Next he desired, that since he must continue prisoner, at least that small happiness might not be denied him of being prisoner with his brother; but neither got he any return to this. And the king sent to him for the court-signet, but with this declaration, that he did not thereby intend to remove him from the office of secretary; which yet remains, bearing date, Oxford, the 16th of January, 1644. Signed *George Digby*, *Edward Nicholas*. He got also advertisement sent him that next day he was to be sent to Ludlow-castle in Wales.

140 When the earl of Lanerick saw that the malice and power of their enemies was so great, that they were not like to obtain a trial for clearing their innocence and discovering the forgeries of their accusers, and fearing a long and cruel imprisonment, (some surmises being also brought him of greater severities,) he made his escape out of Oxford. The particular way whereof is not needful to be inserted. Only the malice of his enemies appeared more signally upon the knowledge of his escape, who came and moved that his page, (Robert Kennedy,) who had been employed in making it, and stayed behind him at his lodgings, should be hanged out at his window. But the king told them it was very unjust and unreasonable to punish a servant for his fidelity to his master, and commanded him to be set at liberty. The earl of Lanerick went to London, and from that returned to Scotland, where it clearly appeared that neither the malice of his enemies nor the hard measure he had met with at Oxford could overcome his love and duty to the king: for though he was forced to comply in many things with the public counsels, yet he begun very soon to draw a party that continued to cross the more violent and fierce motions of Argyle and his followers. But here the writer is forced to stop, papers failing him for prosecuting this narration.

141 The duke was upon his brother's escape used with much strictness, his servants were put from him, his money taken away; he was denied all freedom, and the use of pen and paper was refused him, except to write petitions to the king: yea, in the room where he stayed he met with disaccommo- 271
dations which are not fit to be named. As soon as his majesty knew of this, which was as long delayed as his enemies could, that strictness was changed, but still he continued to be a close prisoner. And though he always petitioned for a speedy trial, yet he was put off: but for all that severity of usage, his majesty's affection continued to be very great for him, and he sent him many kind messages. One was carried by sir Alex. Frazer, (which he avouched to the writer,) who told him that his majesty had an entire confidence in him, and was resolved to release him very speedily: how his majesty was diverted from that, the writer does not know.

142 But to give the narration of the duke's exercises during his long and tedious imprisonment is a task which no pen but his own could have performed: for that great mind which had formerly dilated itself in gallant designs and actions, being restricted to retired contemplations, spent itself in thoughts worthy of their author. Here it was that he, instead of a prison, begun to see a passage into liberty and true freedom: and those better thoughts, which a crowd of affairs and the entanglements of interest had barred free access into his mind, meeting now with none of that resistance, but quickened from his present misfortune, wrought a great change on him. And here did the vanity of the world and the folly of human greatness, with all that is splendid on this side of immortality, discover itself free from that false varnish that had formerly wrought too much upon human infirmity, which raised in him a just undervaluing and loathing of those bewitching but deceiving charms: and he meeting with reproach and slander on every side, betook himself to the Rock of ages, as to his strong refuge. He was much pained with frequent returns of the stone, which was fed by the lazy rest of his prison: yet his converse was so agreeable, that it took exceedingly with all his guards and keepers, which being apprehended by his enemies, the place but not the nature of his restraint was changed. And in one of the places of his imprisonment,

a person of honour, who was governor of the place, was so much wrought on by the nobleness of his deportment, that as from the first time he was committed to his keeping he used him handsomely and with great civilities, notwithstanding strict orders he had to the contrary, so he afterwards offered to let him make his escape, which the duke generously refused, both because he would not do any thing which might turn to the prejudice of the governor, but chiefly because he would not fly from his majesty's justice, nor stain his innocence by an escape. This story was avouched to the writer by the person himself that made the offer to the duke.

143 Some, who pretended friendship to him at court, wrote to him, that the only way to clear himself of all imputations was to get his friends in Scotland to concur vigorously in the king's service, which was then managed with great success by my lord Montrose: but he answered them, that since he was charged with such heavy imputations, he did not think it decent to meddle in any thing till he were once legally cleared of these; neither could it be imagined that his letters would signify much in Scotland under that disgrace, since his presence, when under high characters of his majesty's favour, could prevail so little. And indeed he had small grounds to expect much from Scotland, since those who governed there had never expressed any resentments of his usage beyond one 272
act they passed, declaring it contrary to the privileges of the peers. And from some of his friends in Scotland he got letters, upbraiding him for his services to the king, telling him, that had he been as faithful in serving the King of kings he had been better rewarded, and that he was well served for preferring the one to the other. But his imprisonment continued both this year 1644 and the next year, and lasted till the end of April 1646; that some of the parliament's forces brought the castle of St. Michael's Mount in Cornwall, where he was then prisoner, to a surrender, by which means he had his freedom.

MEMOIRS

OF THE

LIFE AND ACTIONS

OF

JAMES DUKE OF HAMILTON.

BOOK V.

Of the duke and his brother's employments after his enlargement, till the year 1648.

ANNO 1646.

1 HITHERTO the tract of my narration hath been troublesome and painful, but the further I engage in it the storms grow upon me: for now we enter upon transactions so full of horror that my heart and pen begin to fail me; for who can without pain, and a force put upon himself, recount those dismal passages that are before me? For now a rebellious party, having laid aside their former disguises, did finish all their designs in his majesty's murder and the slavery of the nations: and in so great a ruin it was not fit the duke should escape safe, it being more suitable that he that had shared in his master's good fortune, and had also served him faithfully during his troubles, should likewise follow him in his sufferings.

2 But the duke's thoughts were fully bent on a retreat from the world into some retired corner, where he might languish out the rest of his unfortunate life, for by this time the king's affairs were quite ruined. And as he was uncapable of concurring with his enemies, so both his late usage, and the desperate posture to which things were now

driven, made him resolve to engage no further; and his quality was such, that he could not lie neutral when both parties were in so high a rivalry one against another. Yet he could not temper himself, so great was his affection to the king, from studying to do him the best services and offices he could, both 274
with the Scottish commissioners at London, and his friends in the house of peers, to engage them to treat with the king on easy terms.

3 On the 6th of May, his majesty seeing affairs brought to a desperate pass, resolved to throw himself into the hands of his Scottish subjects, that he might make trial of all those large professions of affection and duty they had always made. This design was communicated to the earl of Lauderdale, then at London, but he, as he informed the writer, studied to dissuade his majesty from it; assuring him that he knew the army and the church-party which then prevailed in Scotland would not be firm to him, unless he yielded to their demands about religion: but notwithstanding that, upon some slender assurances got from Mons. de Montrevil, agent from the French king, his majesty went to the Scottish army, (the particulars whereof, and of the subsequent as well as foregoing public affairs, not being the chief business of these memoirs, little more is any where touched of them than what is necessary for making out the thread of the duke's concerns, so as it may set them in their true light.)

4 As soon as this was known at Edinburgh, the committee of estates, which was then sitting, sent the earl of Lanerick and some others to wait on his majesty, with great expressions of their duty and good intentions, protesting how dear the preservation of his sacred person and his just power and greatness should ever be to them; wherefore they expected his majesty would give full satisfaction to the just desires of his subjects; and as a preparation to this, that he would recall any commissions he had given against the kingdom of Scotland. But these commissioners were ordered to do nothing that might raise jealousies betwixt the kingdoms, and therefore were to treat jointly with such commissioners as should be sent from the two houses. And as they of Scotland sent their commissioners with these instructions, yet extant, so they emitted a proclamation forbidding any to go out of the kingdom without

public permission; which was done to hinder those of the king's party from coming to him.

5 What reception my lord Lanerick had from his majesty doth not appear to me, but I find he was very quickly as well seated in the king's affection and confidence as ever. On the 13th of May the Scottish commissioners presented their first paper, which went not beyond general things, containing a welcome, with an offer of their service according to the covenant. But in their next paper they pressed the king to send a message to his two houses for a happy peace, not being satisfied with that letter he had formerly written to the speaker of the house of peers; since no grounds were laid down for a pacification, a treaty being only in general terms desired. Of all these papers that passed, the originals do yet remain.

6 Next day the king called both for the chief officers of the army and the commissioners sent to him out of Scotland, and in presence of Mons. de Montrevil did expostulate, that whereas he had come to their army upon the assurances Mons. de Montrevil had given him, that he should be safe in his person, honour, and conscience, the two last were not kept; for he was pressed to settle religion as they desired, wherewith his conscience was not satisfied: next, his subjects had not free access to him, but proclamations were issued out forbidding 275
them to come to him; neither was the ceremony due to him as king suffered to be paid him at his entry to Newcastle: and lastly, his servants were not suffered to wait on him. And his majesty attested Montrevil if those conditions were not made to him, who confidently affirmed it in all their presence, and that he had the authentic assurances in French. The commissioners retired to think of an answer; but when they returned, they desired his majesty would put Montrevil to it, to declare what those assurances were, and who gave them: but this was not done. Next they said they would not treat with the king in his presence, nor admit of the interposition of any foreign agents betwixt them and their native prince. And the commissioners of the army resolved that no suspected person should be suffered to wait on the king: with which his majesty was highly displeased, and for some days would not eat in public, but only in his chamber.

7 But because there were many in the army who would have engaged cordially for the king on any terms to lessen the apprehension of this, they got a petition to be signed by almost all the considerable officers of the army, (yet extant,) that his majesty would settle religion according to the covenant, and that he would enter into it himself, and authorize it by his command.

8 On the 18th of May his majesty wrote another letter to the two houses, desiring them to send propositions for peace, and in order to that, he again offered to put the militia into their hands for seven years, as had been offered at Uxbridge. He demanded also a safe conduct for sending orders to stop all further proceedings in Ireland, since he was resolved to leave the management of that war wholly to the two houses. He shewed his letter to the Scottish commissioners, but because it contained no offer about religion they were not satisfied with it; yet it was sent. The next thing the commissioners from Scotland moved, was, that his majesty would recall the commissions he had given out against the Scottish nation; for the clearing whereof, somewhat must be resumed that passed in those years which I have run over so hastily.

9 In the beginning of the year 1644 the king gave a commission to the marquis of Montrose, to see what could be done in Scotland by force, for diverting the army that was then entering into England. He had great hopes of making a strong party in Scotland, and doubted not but he should be able, with the assistance Antrim undertook to send him out of Ireland, to give the Scottish army work enough at home: but his hopes failed him, for all were so overawed by the power of the covenanters that none would stir till about the end of the year. Some came out of Ireland, but far short of the number that was promised: and with these, and a few of the Scottish nation, he adventured to disturb the covenanters, the particular narration of whose enterprises is not to be here prosecuted. This was judged by all a bold and desperate attempt, for as his force was small, so they wanted arms and every thing necessary. Some of the wisest of the covenanters advised them not to engage with him in any action except on terms full of advantage, but to follow him up and down whither he went, securing the country from spoil and plunder; for

they judged that his men, being so unprovided as they understood they were, would not hold out long in the hills, but be 276
forced either to lay down their arms or break out in mutinies among themselves, whereby they should have been starved with small trouble, except the loss of some time which this lingering course would have cost: whereas if they fought with them, it was to be feared that the Irish, with some Scottish highlanders, and other gentlemen that joined with Montrose, being desperate, would be too hard for such raw soldiers as would be drawn together to oppose them ; for the covenanters resolved not to bring any of their forces out of England or Ireland till they were forced to it by necessity. Besides, the plague at that time had broken in upon Scotland, and swept away many thousands, which filled all places with so much fear and horror, that the hearts and hands of all did fail them ; and so a faint resistance was to be expected in such a general consternation.

10 But the more forward did not relish these advices, and many churchmen, being full of hopes of success, and the opinion of God's favour to their way, were for engaging into present action. This advice was plausible ; for they hoped for a speedy issue of it, whereas delays drew a vast expense on the nation. This their error cost them dear, and opened a way for a great deal of honour to Montrose, who managed his small force with as much conduct as success, and carried all down before him with a torrent of victories ; till at length, after his last victory at Kilsyth, the highlanders loaded with prey, would needs go home to their lurking-holes, which he could not resist, his authority over them being but precarious. And instead of retiring with them into the hills, he came down into the south country with the little handful that adhered to him, in hopes that many should have flocked about his victorious standard ; but he was generally hated by the vulgar, so powerfully had the excommunications and thunders of the church wrought upon them. Besides, many outrages had been committed by his Irish and Highland soldiers, which had been indeed resisted by him as much as was possible ; but having no pay to give them, he durst not exercise that severity of martial discipline which had been otherwise necessary. Yet all was imputed to his orders by

his enemies, which made him very odious to the generality of those who knew him not: and hence it was that wise men did not hope for a good account of the king's affairs from this design; therefore he was not assisted with such forces as he had promised himself from the king's friends in the south country. But he was become too secure of victory, and began to apprehend the fame of his former conquests was able to scatter any force could be brought against him; therefore, notwithstanding some advertisements he had of lieutenant general Lesley's coming down with a good body of horse from the Scottish army in England, he still remained in the low country, till he was surprised and routed of a sudden. Then he went again to the hills, but there he saw how groundless it was to expect any real aid from those wild and disorderly people: he traversed to and again through the hills, sparing neither labour, industry, nor art, to draw together new forces, but was never able to effectuate it, a small body of a few hundreds being all the strength he could ever make; only he was in hopes of great matters. And thus it continued till this time, that the Scottish commissioners moved the king for recalling his commission.

11 His majesty was willing to grant this, only he desired he 277
might have liberty to send for him with a safe conduct, and that he might be suffered to kiss his hand, after which he should go beyond sea, never again to return without their consent. But to this they would not hearken; wherefore his majesty, being constrained to yield to all their demands, did by proclamation call in his commission, and sent a gentleman with orders to him, and such as were with him, to lay down their arms immediately.

12 To this Montrose answered by a despatch, (yet extant, dated the second of June,) that as he had proposed nothing to himself in all he had done but his majesty's service, so he was not now to dispute his obedience to his commands; only he desired, that security might be granted for those gentlemen who had hazarded their lives for the king's service, that they might not be laid open to the fury of their enemies, but might live at quiet in their own houses; and as for such as were counted unpardonable, he desired they might have passes to go beyond seas: and at this it stuck for some time.

13 When this was done, his majesty began to be importuned from all hands to settle religion according to the covenant, addresses being made to him for that effect, both from the army, the commissioners sent from Scotland, the committee of estates in Scotland, and the commissioners from the general assembly. But to all those the king answered, that when he was satisfied in conscience with the lawfulness of what they desired, then, but never till then, could he grant their demands; wherefore, he said, he was willing to enter in conference with any they should appoint; protesting, that if he got satisfaction to his conscience in those two points, the one being, that he judged episcopacy of Divine appointment, and the other, that by his coronation-oath in England he was tied to the defence of the church as it was then established, he should not be ashamed to change his judgment and alter his resolutions. Whereupon Mr. Henderson was pitched upon as the man of greatest abilities and discretion for that task, and during the month of June papers passed to and again betwixt the king and him; of which, they being so often published, I shall say no more, but that from these it appears, had his majesty's arms been as strong as his reason was, he had been every way unconquerable, since none have the disingenuity to deny the great advantages his majesty had in all these writings. And this was when the help of his chaplains could not be suspected, they being so far from him. And it is indeed strange to see a prince not only able to hold up with, but so far to outrun so great a theologue in a controversy which had exercised his thoughts and studies for so many years. And that the king drew with his own hand all his papers, without the help of any, is averred by the person who alone was privy to the interchanging of them, that worthy and accomplished gentleman sir Robert Murray, who at that time was known to his majesty; and he discovering in him those great parts and excellent qualities, that recommended him to the love and esteem of all virtuous persons that knew him, honoured him with a great deal of freedom; and it was believed few were more in the king's favour than he was; him therefore did his majesty employ in that exchange of papers, being all written with his own hand, and in much less time than Mr. Henderson did his. They were given by his majesty to

sir Robert Murray to transcribe: the copies under sir Robert Murray's hand were by him delivered to Mr. Henderson; 278
and Mr. Henderson's hand not being so legible as his, he, by the king's appointment, transcribed them for his majesty, and by his majesty's permission kept Mr. Henderson's papers and the copies of the king's, as was signified to the writer by himself a few days before his much-lamented death.

14 All this while they were consulting at Westminster about the propositions to be sent to his majesty, for now the Independent party begun to prevail; and as they were certainly the strongest in the English army, so they had a great party in the house of commons. Their design was to perpetuate a military power in their own hands, and to set up a toleration of all sects; and so the propositions at Uxbridge were much altered.

15 The Scottish commissioners, in the papers they gave in concerning the propositions, first complained, that the settling of religion was conceived in general terms, and that no particulars about uniformity of religion were laid down; next, they opposed much the propositions about the militia, desiring that no new ones, differing from what had been offered at Uxbridge, might be made, that so it might appear they were not taking advantages from the straits his majesty was in, to diminish his just power and greatness, to which they were bound both by covenant and treaties, and which had been often repeated in all their declarations: adding, that they could not consent to any proposition that should take from their sovereign the power of protecting and defending his subjects, which necessarily followed, were the militia put into the hands of the parliament; wherefore they pressed that the militia might not be settled in the hands of the parliament, but of the king and parliament jointly, and so consigned to such commissioners of both kingdoms as should be chosen by the king and them together.

16 This they backed with a paper containing the extracts and citations of the former declarations and papers emitted by both houses, to the same purpose, both about uniformity of religion, and the maintaining the king's authority, even in the matter of the militia; which was a long and smart paper. They also in another paper appealed to all the treaties that

had been betwixt the kingdoms since the beginning of that war, wherein the maintenance of the king's just power had still been laid down as a ground on which they were to proceed in order to a peace. But upon this the Independent party begun to say, that the agreement made with Scotland ann. 1643 was no treaty, and that the parliament was not bound to make good what was agreed to in it. And this drew from the Scottish commissioners another large paper, proving that to be a treaty; wherein they did shew how that the kingdom of Scotland had engaged both in the Irish and English war, upon the invitation the two houses sent them by commissioners empowered with ample credentials, signed by the two speakers, which gave them power to treat and conclude both about the Scottish army then in Ireland and the army they invited to come to their assistance in England; upon which an agreement was treated and concluded betwixt the committee of estates in Scotland and the commissioners from England, and signed by them, and so transmitted to the two houses, who by frequent letters to Scotland expressed their ratification of that agreement: and whereas, in some of the articles then agreed to, there was an alternative concerning the Scottish army then in Ireland, their stay there, or their transportation, upon which the Independents founded 279
their allegation that matters were not finally concluded, they did shew how false that was; since that alternative was remitted, in their agreement then made, to the determination of the two houses, who thereupon declared, by repeated letters, to what branch of it they agreed. So they made it appear that no obligation could be brought on any state by any treaty that was wanting in that.

17 But at length the propositions were all agreed on, and the Scottish commissioners, though they opposed that article of the militia, yet gave way to it, rather than hazard on a rupture. The propositions being so oft in print, need not be at length set down; only the heads of them follow, taken from the original that was delivered to the king, which he gave to the earl of Lanerick, and is among his papers:

18 First, the annulling of all oaths, and declarations against the parliaments and kingdoms, was desired.

The next five propositions were about establishing the covenant,

the abolition of episcopacy and liturgy, and the king's taking and authorizing the covenant.

The next five were against popery and papists.

The 12th was for the observation of the Lord's day, and against pluralities and nonresidences, and about universities.

13. That the militia should be in the hands of the parliament for twenty years, who should also have a power to raise money, and that after those years the two houses might raise what forces they pleased, by their bills, though his majesty gave not his assent to them, and that the rights of the city of London should be confirmed.

14. That all honours, and other writs passed under the great seal, since it was taken away from Westminster, should be annulled.

15. That the treaties betwixt England and Scotland should be ratified.

16. Delinquents were to be excepted from the general oblivion, and those were put in several classes, and accordingly several punishments designed against them.

17. The late cessation granted by the king in Ireland to be annulled, and the management of that war to be remitted to the two houses.

The 18th was about the city of London.

19. That all writs passed under the parliament's great seal should be in force.

19 In July the duke came to Newcastle, to wait on his majesty, and when he first kissed the king's hand his majesty and he blushed at once: and as the duke was retiring back, with a little confusion, into the crowd that was in the room, the king asked if he was afraid to come near him: upon which he came to the king, and they entered into a large conversation together, wherein his majesty expressed the sense he had of his long sufferings, in terms so full of affection, that he not only brake through all of his resentments, but set a new edge again upon his old affection and duty. He told him, he ever had judged him innocent as to the bulk of things, though he confessed there were some particulars he was not so well satisfied with: but that his restrain was extorted from him, much against his heart; for he had stood out against all the importunities of his enemies till the very morning he came to Oxford, in which most of the whole court came about him, 280
and said they would all desert him if he yielded not to their

desires. The duke professed he was fully satisfied that his majesty judged him innocent, and that his heart was still what it had ever been to his service; but he saw himself in no capacity of being further useful to his majesty, since these jealousies would be ever hanging over his head, though his majesty were free of them. Things were now brought to great extremities, so that the success of any service might be laid on him seemed not only doubtful but desperate. Besides, he had no reason to think that cloud of misfortunes which did hitherto hang over all his actions was yet broken or dissipated, and therefore he had particular reason to apprehend cross events would yet follow his attempts; but he knew the world would be so unjust as to impute them to his resentments, and count them not casual, but designed miscarriages: wherefore he desired permission to go abroad into some corner of the world, where he might enjoy a private retirement.

20 But the king's answer to this was, that he looked on it as a well-couched resentment; adding, he did not expect he would now leave him when he needed his assistance most: and this overcame his resolution for that time, therefore he frankly desired his majesty would lay his commands on him.

21 And the first of them gave occasion to a very unexampled and sublime exercise of his virtue, for at this time the king was in great perplexity about Montrose's affairs; since to leave him to the fury of his enemies, for having served him faithfully, was so contrary to his honour and conscience, that the king abhorred the thought of it: on the other hand, he could not preserve him, for having recalled his commission, his further actings were legally treasonable; and there was no way remaining to get him out of their hands, since the king had no ships for his transportation; and the fury against him was so great, that they would hear of no conditions, unless he rendered himself to their discretion; wherefore the king proposed it to the duke to do what in him lay to extricate him out of this strait, for the known enmity that was betwixt the duke and Montrose would make his advices in that particular less suspected.

22 An ordinary virtue would have judged it sufficient, not to have revenged injuries, and to have dispensed with the remembrance of them; but it must be confessed to be a high

instance of Christianity to repay injuries, while the smart and sense of them was yet so fresh, with so great generosity. He recommended the care of this to that noble gentleman colonel Lockhart, who was in command under Middleton, that led the forces which were sent against him, and had much power over him, being his intimate friend; and did then begin to shew those eminent qualities which made him afterwards be so much esteemed over Europe, and his death be so universally lamented. Middleton treated with Montrose, and took Lockhart with him to the interview, who told Montrose what commands were laid on him by the duke to serve him. Montrose, seeing his danger, was willing to capitulate with Middleton, that they should lay down their arms and retire to their houses, those only excepted who were attainted by the acts of their pretended parliament, who should be suffered to go beyond sea within a few days after the agreement. This being done, the kirk party made great opposition to the ratification of it in the committee of estates; nor could it 281
have been carried, but by the interest the duke and his brother had there, who pressed it with much zeal. This hath been often owned by Middleton, and was avouched to the writer by sir William Lockhart, who added, that never did the duke or his brother lay their commands on him in more pressing terms, than in this particular about Montrose's preservation.

23 The king being freed from this troublesome intrigue, the next care was, what answer should be given to the propositions for peace that were every day expected. The duke pressed him most earnestly to yield to them, (how unreasonable soever they might seem,) and particularly in the point of religion; for without full satisfaction in that, nothing would please the Scottish nation, nor the city of London, by whom only his majesty could now hope to be preserved: and they would hear of nothing short of the abolition of episcopacy and the king's taking the covenant. But were those granted, he found a willingness in them to interpose for moderating the other propositions, particularly those of the militia, and about the delinquents: he therefore entreated his majesty to consider the danger he was now in; foreign aid was not to be looked for, and he could not apprehend that Scotland would

engage for him, if the case varied nothing by his concessions, since they could not heretofore be kept in a neutrality: would his majesty therefore, for a form of government, hazard the loss of his crowns? or if he was so noble as to despise any prejudice himself might feel, yet he besought him to consider his royal posterity, who by his stiffness would be ruined, and to have pity on his dominions, which lay bleeding in that long tract of civil wars: and though his majesty had not full clearness in his conscience about it, yet he was sure the matter seemed of small importance in itself, though it became very great by the effects it might produce; and he was confident, if it were a sin, God would never lay it to his charge, since his inducements to it were so strong and unavoidable. All this he did not say from his own sense of these propositions, since himself thought his majesty's concessions were such as might give full satisfaction; but that he saw things were in that state, that nothing without satisfaction in the point of religion could bring them to any settlement. This was often repeated to the king, both by him and his brother, as well in their letters as discourses.

24 But his majesty said, his conscience was dearer to him than his crown, and he would willingly run the hazard of all his crowns below, rather than endanger that above; that hitherto he had received no satisfaction to his conscience in these two great points, at which he stuck, and till that were done, no consideration whatsoever would prevail. The quiet of his kingdoms, and the settlement of his throne, were indeed to be purchased at any rate; yet the peace of his conscience must be preferred by him to all things. And on these grounds did his majesty still continue unshaken, notwithstanding all hazards.

25 The propositions were brought from the two houses about the middle of July, and a speedy answer was craved to them. But for an account of his majesty's thoughts of them, I cannot give it better than by setting down a written account of them, in a letter sent to the earl of Lauderdale at his majesty's command, by sir Robert Murray:

26 The duty which I conceive every good subject owes, to use his utmost endeavours (how weak soever) for the furtherance of the happy peace of these afflicted kingdoms, hath made me take the 282

boldness to talk with the king upon the propositions, to see how far he can be induced to yield to them. And although to every particular I cannot promise you an exact account, (because there are divers things in them which neither he nor I understand,) yet to the main points I shall, and such as I hope may be a good groundwork for happy conclusions. First then for religion, I find his majesty really conscientious, and not superstitiously scrupulous; wherefore until he be better satisfied, the uttermost he can be brought to is, that he will be content that presbyterial government be generally established within this kingdom by act of parliament for three years, provided that he and all those of his opinion may freely enjoy their consciences, according to the practices in queen Elizabeth's and king James's times. Now how to do this would be too long for a letter, but as there are examples, so I doubt not to shew you more than one way to do it, so willing ears may be brought to such a motion; and I assure you his majesty is most willing to hearken and seek after information, to the end he may be satisfied how with a safe conscience he may give you full satisfaction herein: but this proviso that his majesty grants will probably be but temporary.

27 For the militia, I can neither see inclinations in his majesty to relinquish it, nor can I find arguments to persuade him to it: nevertheless I perceive so great inclinations in him to strain to the uttermost to give his subjects all just satisfaction, especially in what concerns the securing of their fears, that he will be content for ten years the two houses should dispose of the militia by act of parliament, in the hands of such and so many persons as they shall name; as likewise to change them within the said time, and appoint others in their places as they shall think fit; but after the expiration of the said time to return to the crown, as queen Elizabeth and king James enjoyed it.

28 Concerning delinquents, his majesty's opinion is, that a good act of oblivion is the best way to bind up a peace, after intestine troubles, it having been the wisdom of other kingdoms most usually, and with good success, to grant general pardons, with very few or no exceptions, whereby the numerous discontentments of all sorts of people (which are the seeds and fuel to future disorders) might be totally extinguished: and his majesty further conceives, that he cannot desert so many gallant persons of condition and fortune, who have engaged themselves with him only out of a sense of duty, without a perpetual and irrecoverable dishonour.

29 As for offices, though his majesty judges that the disposal of them

is a necessary flower of the crown, yet he is content for this time to accept of the nomination of them from the two houses, to be enjoyed by these persons *quam diu se bene gesserint;* so that after vacancies they return to be disposed of as before.

30 I unwillingly mention Ireland, because his majesty's public faith being engaged, how dare I speak to him to violate that which is and must be all our security; but even in this will I pawn my life he will prove himself a zealous protector of protestants, and a constant maintainer of sovereign power.

31 My conclusion is, that if upon these grounds a conference may be had betwixt his majesty and the two houses, I will engage any thing that an honest man can, that these kingdoms will be shortly happy in a firm peace; which if it should fail on our part, for our not hearing of our sovereign, it would be an unparalleled misfortune, not without infamy.

32 These were his majesty's private thoughts, but his public 283
answer inclined more to a denial; which when it was brought to Westminster was entertained both with joy and sorrow, according to the inclinations of the several parties. The Independents, and those of the army, feared nothing so much as the king's granting them, for in that case they saw there could be no colour for keeping up an army: and in the house of commons, when thanks were voted to the commissioners that had been with the king for their pains, one member whispered another in the ear, that they owed more thanks to the king than any body; and in another corner, an honest member saying to another, "What shall become of us, since the king refuseth these propositions?" the other answered, "Nay, what had become of us if he had granted them?"

33 The Independent party upon this moved, that no more addresses should be made, and that his majesty's person should be demanded, and the army commanded northward to see it executed; which had been infallibly done, had not the Scottish commissioners given them in some papers, complaining of many violations of the treaty, and the arrears due to the army. The king had also desired a personal treaty near London, and the Scots seconded it; but the obtaining it was impossible, for all this time the Scottish commissioners and the English (whereof the greatest part were of the Independent faction) were in no good terms.

34 As for the arrears of their pay, the two houses talked of offering five hundred thousand pounds sterling, whereof an hundred and fifty thousand should be paid presently, that so they might be rid of their army, which they said was no more necessary in England; and a complaint being made against some who spoke and wrote in prejudice of the Scottish nation, an ordinance was debated for punishing them. The Independents employed all their strength against it; Cromwell spoke most vehemently, that it was to discourage their friends, and to encourage their enemies: but Hollis took him up so sharply, for calling base libellers friends, that he was glad to recant. When it went to the vote it run near an equality, for 102 were against it, and 132 for it; so quickly were the services of their dear brethren of Scotland forgotten.

35 At this time the king sent my lords of Argyle, Lowdon, and Dumfermline to London. Their instructions were, to deal for a personal treaty near London, to get some of the king's faithfullest servants to be suffered to come and wait on him. And for the militia, the Scots had declared themselves satisfied with the king's concessions about it; wherefore he desired they would stick to him according to their promises. As for religion, he desired they would represent to those who were best affected how dangerous it would be to insist too much on that at this time, when the greatest hazard was from the sectaries, and that his majesty's consenting to a temporary establishment of what they craved did put them in a fair way to their desires. And beside all this, it was recommended to them to procure a delay of the desire for an answer to the propositions till the 16th of September.

36 When these instructions were given them, the king desired their promise, first, of secrecy, next, of fidelity in discharging what was intrusted to them: for the second they undertook it, but refused the first, except the king also promised secrecy. 284
His majesty presently apprehended their design was, that the duke and his brother might understand nothing of their employment; and finding it was a thing wherein neither of them was concerned, he thought it unfit to disoblige Argyle by that refusal; since he was so able to serve him, if he should be cordial in it, and he was secure of the two brothers, that

if they mistook his reservedness, it would be easy for him to clear himself afterwards. Yet this secret was ill-kept among them, for the earl of Lauderdale had notice of it, as he told the author, before they came to London; but opposed much the seeking a delay to a prefixed day, since he knew that could not be granted without adding a dreadful sanction of deposing the king, in case a favourable answer came not against the day appointed; and found it would be easier to procure a delay by other methods than by asking it. The duke and his brother were much troubled with the king's reservedness in that affair; but as soon as they understood the ground of it they were satisfied. But what success that negotiation had, or how it was managed, doth not appear to me from any of the duke's papers.

37 In the beginning of August the duke went to Scotland, where his greatest care was to see what could be done to get the committee of estates to be satisfied with the king's concessions, representing to them how they did at once put England in the possession of the desired church-government, and set the other out of the way, which was a great step to their full satisfaction. He desired they would consider how inhuman and unchristian it was to force the king's conscience, and how much it favoured of the violence they had lately condemned in the bishops. It was visible that nothing but conscience could be imagined to lie in the way of the king's accepting the propositions; and were his majesty, like many princes, to swallow down all things, and belch them up at their pleasure, there would be less ado made: but the king's sticking at what he could not yield, did abundantly secure them of his making good to them all that was promised. On the other hand they were to consider, that if they should now desert the king, and bring their army out of England, it would make them odious through the whole world, and the payment of the arrears of their army would pass under a far worse character. Besides, England was divided, and the party that was most prevalent among them was the Independent, with the other sectaries, who would never carry on the settlement of religion; and by their present carriage at London it appeared what friendship they had for Scotland: wherefore he moved earnestly that their army should not be

brought out of England till a firm peace should be established, according to the first treaty, anno 1643.

38 This did shake many, but some of the leading churchmen were not satisfied with this, and represented to their party, that all this was said smoothly, to engage them to the king's quarrel, which they were resolved never to do till the covenant were taken by him. Neither were they well satisfied with the duke, for his being instrumental in the agreement with Montrose and his party; and it was preached to his face, that all the blood that was lately shed would lie on them and their posterity, who, for the pleasing of men, had procured such favour to the enemies of God and of his cause and people.

39 In the end of August they sent the duke with the earls of 285
Crawford and Casilis, and some others, to deal with his majesty for a speedy granting of the propositions, and to represent to him all the inconveniences that followed, even upon a delay, much more upon a denial. The duke had no willingness to the employment, misdoubting the success, and knowing his engaging avowedly in such a message would be misrepresented: but there was no avoiding of it, for had he declined it, he would have been suspected of being an ill instrument, and of aversion from the thing which would have disabled him much from going on with the king's service. They came to Newcastle in the beginning of September, where they discharged themselves of their commission to the full.

40 But the king answered them in the following paper, yet extant under his majesty's hand:

My Lords,

I shall begin by answering what you have now said; for I assure you I had not thus long delayed my answer, but to weigh fully those reasons and arguments which you have laid before me, whereby to use the uttermost of my endeavours to give you all possible satisfaction: for you having told me nothing but what I have heard before, the change of answer could hardly be expected. And now I do earnestly desire you to consider what it is that I desire, which is, to be heard, which if a king should refuse to any of his subjects, he would for that be thought a tyrant. For this if I had but slight reasons, it were the less to be regarded; but they are such upon which such a peace as we all desire doth depend: for albeit it is possible

that if I should grant all you desire a peace might be slubbered up; yet it is impossible that it should be durable, unless there should be a right understanding betwixt me and my people, which cannot be without granting of what I desire. Yet I desire to be rightly understood; for though many, like to Æsop's fable, will call ears horns, yet, let men say what they will, I am far from giving you a negative, nay I protest against it, my only desire being to be heard: for I am confident that upon debate I shall so satisfy them in some things, as likewise I believe they may satisfy me in many things, that we shall come to a most happy agreement. This I believe is not much needful to satisfy your judgments, for I am not ignorant how really your commissioners at London have endeavoured a satisfactory answer to my message; as likewise what good instructions have been sent them out of Scotland, so that the force of power more than the force of reason hath made you so instant with me as you have been: with which I am so far from finding fault, that what you have done I 286
take well, knowing it proceeds out of the abundance of your zeal to my service; therefore, as you see I do not mistake you, so I am careful not to be mistaken by you. Wherefore again I desire you to take notice that I do not give a denial, my desire being only to be heard; as likewise that you will take things as they are, since neither you nor I can have them as we would: wherefore let us make the best of every thing; and now, as you have fully performed your duty to me, so I cannot doubt but you will continue to press those at London to hear reason. And certainly you can little expect fair dealing from those who shall reject so much reason, and of that sort which you have, and I hope will offer to them.

Not to stay you too long upon so unpleasing a subject, I assure you that nothing but the preservation of that which is dearer to me than my life could have hindered me from giving you full satisfaction: for upon my word, all the dangers and inconveniences which you have laid before me do not so much trouble me as that I should not give full satisfaction to the desires of my native country, especially being so earnestly pressed upon me. And yet here again I must tell you, (for in this case repetitions are not impertinent,) that I do not give you a denial, nay I protest against it; and remember it is your king that desires to be heard.

41 To this paper I shall add another, given by his majesty to the committee then at Newcastle: but by the copy extant, written with Lanerick's hand, it doth not appear when it was sent them. The paper follows:

My Lords,

42 It is a very great grief to me, that what I spoke to you yesterday, and offered to you in writing, concerning religion, hath given so little satisfaction; yet, lest the reasons I then told you should not be so fully understood, I think it necessary at this time to set them down to you in this paper.

I then told you, that whatsoever was my particular opinion, I did no ways intend to persuade you to do any thing against your covenant; wherefore I desire you to consider, whether it be not a great step to your reformation, (which I take to be the chief end of your covenant,) that presbyterial government be legally settled. It is true, I desire that my own conscience, and those that are of the same opinion with me, might be preserved, which I confess doth not as yet totally take away episcopal government; but then consider withal, that this will take away all the superstitious sects and heresies 287
of the Papists and Independents, to which you are no less obliged by your covenant than the taking away of episcopacy. And this that I demand is most likely to be but temporary; for if it be so clear as you believe, that episcopacy is unlawful, I doubt not but God will so enlighten mine eyes that I shall soon perceive it: and then I promise you to concur with you fully in matters of religion. But I am sure you cannot imagine that there is any hope of converting or silencing the Independent party, which undoubtedly will get a toleration in religion from the parliament of England, unless you join with me, and in that way I have set down, for the reestablishing my crown, or at least that you do not press me to do this (which is yet against my conscience) until I may do it without sinning; which as I am confident none of you will persuade me to do, so I hope you have so much charity not to put things to such a desperate issue as to hazard the loss of us all, because for the present you cannot have full satisfaction from me in point of religion: not considering that, besides the rest of the mischiefs which may happen, it will infallibly set up the innumerable sects of the Independents, nothing being more against your covenant than permitting of those schisms to increase.

As for the message which I think fit at this time to send, I have chosen rather to mention the point of religion in a general than particular way, lest (not knowing all these reasons which I have set down to you, which are most unfit for a message) it may give less satisfaction than I desire. Nevertheless I do conjure you, by that love and loyalty you have always professed unto me, that you make use of what I offered yesterday in writing, with these reasons which

I have now set down to you, and those further hopes I have now given you for the best advantages of my service.

With this particular explanation, that whereas I mentioned that the church-government should be left to my conscience and those of my opinion, I shall be content to restrict it to some few dioceses, as Oxford, Winchester, Bristol, Bath and Wells, and Exeter: leaving all the rest of England fully to the presbyterian government, with the strictest clauses you shall think upon against Papists and Independents.

P. S.—I require you to give a particular and full account hereof to 288
the general assembly now sitting in Scotland, shewing them that I shall punctually make good my last letter to them, and that this is a very great step to the reformation desired, not only by the present putting down all sects and Independents, but likewise presently establishing presbyterian government; hoping that they, as ministers of God's word, will not press upon me untimeously the matter of church-government and discipline, until I may have leisure to be so persuaded, that I may comply with what they desire without breach of conscience, which I am confident they, as churchmen, cannot press me to do.

43 The duke left nothing unsaid that could be devised to prevail with the king for satisfying Scotland in the point of religion, assuring him, that he found a great willingness in them to serve him in all other things, should he yield to them in that one: that for the point of the militia, they would study to bring it to what the king desired, and in the point of the delinquents, they would labour to get it brought to that in which the process of the incendiaries in Scotland had ended, that they should only be secluded from trust: but he assured him he found it impossible to make them abate a tittle of the demand of religion. Yet his majesty continued on his former grounds; therefore the duke resolved on a present abandoning of affairs, and of retiring from the world.

44 Lanerick was so angry at this design, that he spared nothing that either his affection or wit could suggest to divert him from that desperate resolution (as he termed it). He told him, could he not be religious but he must turn a monk? and did he not think it best to serve God in that station whereunto he had called him, or must he reject the choice of God's pro-

vidence, and turn his own disposer? and was he so mean-spirited as to abandon matters because of the difficulties that were in them? But all he could devise was not like to prevail, for the duke protested it was impossible for him to look on and see his majesty's ruin, which was inevitable upon the grounds he went on.

45 At this time the Independents, fearing the extremity to which the king was driven might force him to consent to any thing upon which a settlement might follow, betook themselves to strange methods to obstruct it: they therefore gave some hopes that they would be willing to dispense with the imposing of the covenant, and consent to a toleration of episcopacy and the liturgy, provided they might be satisfied in other points.

46 This, suiting so well with the king's inclinations, had too good a hearing from him: but my lord Lauderdale wrote from London very warmly for undeceiving the king, assuring him that he infallibly knew their designs were the ruin of monarchy and the destruction of the king and his posterity; 289 and though they might cajole his majesty with some smooth propositions, those were meant for his ruin, that they might once divide him from his parliaments: after which they would destroy both him and them, were it in their power. But if the king would now consent to the propositions all would go right, and in spite of the devil and the Independents both, he would be quickly on his throne: but delays were full of danger, for they that wished well to the king were becoming daily more heartless, and the other party grew in their insolence; and the earl of Essex his death at that time had given the greatest blow to the king's affairs they could have met with. This he continued to represent by many letters, both to the king and those about him; yet his majesty was much wrought upon to give credit to those offers of the sectaries, which made him the less apprehensive of hazard.

47 At length, when the duke saw his majesty immovable, he begged his permission to retire. But the king resisted that with so much reason and affection, that in the whole course of his favours to him there had not been any since the business of Ochiltry wherein he had more obliged him than by the tenderness that then appeared in him. Yet the duke was so

importunate, that at length the king seemed to give way to it, at least the duke understood it so: whereupon, with as sad a heart as ever man had, he took leave of the king, which he apprehended to be his last farewell; and it proved to be so indeed, (except a transient view he had of him at Windsor.) So he left the king, and carried home with him a heart so fraughted with melancholy, that all could be done was not able to rouse him out of it; and neither the tears of his dying mother, nor the entreaties of his friends, nor the constant persecution of his brother, (who was much vexed at it,) were able to divert him from his resolution; for having overcome the king's dislike of it, which was stronger than all other things with him, he was proof against every thing else. But his majesty quickly repented him of that tacit consent he seemed to give, and therefore sent after him this handsome letter:

48 HAMILTON,

I have so much to write, and so little time for it, that this letter will be suitable to the times, without method or reason; and yet you will find lusty truths in it, which puts me again out of fashion, but the fitter for him to whom I write. Now to my business: but, lest I should now forget it, I must first tell you, that those at London think to get me into their hands, by telling our countrymen that they do not intend to make me a prisoner: O no, by no means! but only to give me an honourable guard forsooth, to attend me continually for the security of my person: wherefore I must tell you, (and it is so far from a secret, that I desire every one should know it, only for the way, I leave it to you to manage it for my best advantage,) that I will not be left in England when this army retires 290
and these garrisons are rendered, (without a visible violent force upon my person,) unless clearly, and according to the old way of understanding, I may remain a free man, and that no attendant be forced upon me upon any pretence whatsoever. So much for that.

A discourse yesternight with Rob. Murray was the cause of this letter, having no such intention before, because I esteemed you a man no more of this part of the world, believing your resolutions to be like the laws of the Medes and Persians. But however he shewed me such reasons, that I found it fit to do what I am doing, (for I confess one man's error is no just excuse for another's omission,) which is to stay your foreign journey by persuasion. As for the arguments, I refer you to Robin, only I will undertake to tell you

some positive truths: the chief whereof is, that it is not fit for you to go; then, it is less shame to recant than to persist in an error: my last is, by going, you take away from me the means of shewing myself

Your most assured, real,
faithful, constant friend,

Newcastle,
September 26th, 1646. CHARLES R.

49 But this letter will be lame, unless made up with the cover that went about it from sir Robert Murray, which was, as he wrote in his next, almost wholly the king's words, and not only his sense: for the king, the night before, falling in discourse with sir Robert about the duke, discovered very fully the constancy of his royal kindness to him: whereupon he laid his commands on sir Robert, to put him in mind of the inconveniences his obstinacy in that resolution would heap upon him; "and mentioned them" (these are sir Robert's words) "with a friendliness that related not to his own concernments. Indeed they are such, as the very apprehension of them cannot but deeply wound a soul so great as yours. They are briefly these: The withdrawing yourself at this time will be believed to proceed from a tacit joy at the appearance of the bad success of his affairs, or rather out of a design to contribute to it, under the disguise of a seeming retiredness and discontent; constructions which are not possible for him to make, but obvious to malevolent humours: that although you should not be suspected to be any ways accessory to disloyal courses, it will be said you are one of those who could have best hindered them: that your country and friends may say you have deserted them in their greatest exigences, and that differences may be reconciled betwixt his majesty and his subjects by the endeavours of others."

50 These commands were both peremptory and obliging, so that they could not fail of conquering all his resistance, and carrying his obedience after them; which were strengthened from the letter he had at that same time from her majesty, which follows:

51 COUSIN, 291

The account the king hath given me of your affection for his interest, and those marks of it which from other hands have met me, do so sensibly affect me, that without any difficulty or scruple I

do now entertain you with my acknowledgments and resentments of it, before I have heard from you; and I assure you of the satisfaction I shall ever have of the continuance of it from you, which I shall desire may be as entire and full as the returns I shall study to make to you, being resolved to lay hold on all occasions by which I may discover my friendship for you, and to express the esteem I have of your friendship by all means that may depend on my cares, which I shall employ in giving you day by day new proofs that I am, and ever shall be,

St. Germanes,
22d September.

Your affectionate cousin and friend,
HENRIETTA MARIA R.

52 Upon these entreaties and assurances he was made to change his purpose, though he could not so easily part with his melancholy thoughts, which he expressed in this following letter:

53 MAY IT PLEASE YOUR SACRED MAJESTY;

The reasons you were pleased to offer to my brother and sir Robert Murray for diverting my resolution of leaving your majesty's dominions at this time, were (I confess) of strength enough to have fixed me in any place of the world where your majesty's service was concerned: but now, seeing your majesty hath honoured me so much, as by your gracious letter (yourself) to shew me still your dislike thereof, how dare I dispute what your majesty thinks unfit? and now, sir, the thoughts I formerly had of leaving (as it were) the world (because I would not be a witness of, what I feared, your majesty's fall, since, as I conceive, I could not be instrumental to your service or preservation upon the grounds your majesty went on) shall be changed into a resolution of being most miserable in your dominions, if it shall not please God to deliver you out of those difficulties your majesty is in; for I take God to witness, upon your happiness depends my greatest worldly joy, how unfortunately soever I have (of late) been misunderstood. And though I cannot promise myself so much good fortune as to prove useful to your majesty, yet I dare and do engage for a cheerful willingness and perfect fidelity in your majesty's service, and trust that God in his mercy will so direct your majesty, as by timeously granting the (now necessary and most pressing) demands of your kingdoms, the great evils will be prevented that threaten your sacred self, the queen's ma- 292
jesty, and your royal posterity; and likewise that of having any other guard to attend your royal person than such as shall be approved of by you, or your majesty's being necessitated to retire into

Scotland, upon the return of the Scottish army, where I apprehend your majesty's entertainment will not answer your expectation, nor prove at all advantageous to your service. More I will not presume to say, but shall really study in all things to serve your majesty, and ever give such ready obedience to your commands as becometh

Your majesty's most faithful,
most loyal, and most obedient
subject and servant,
HAMILTON.

Kinneel,
6th Octob. 1646.

54 A day or two after his majesty received this letter he wrote the following letter to my lord Lanerick, the postscript whereof seems to relate to the letter he had received from his brother:

LANERICK,

Before now I had not matter to write to you, and now I have so much that I shall say the less, leaving this enclosed to speak for me. But thus much I must assure you of, that I have herein gone the utmost length (as you call it) to give all possible satisfaction, for (upon my word) one jot further cannot be gone by

Your most assured, real, constant friend,
CHARLES R.

Newcastle,
15th Octob. 1646.

P. S.—Tell your brother, that it were a fault to him to trouble myself in complimenting with him, and indeed to either of you any ways to doubt but that you will make the best use you may of what I now send you for my service.

55 The enclosed paper is to be found among his majesty's printed messages to the two houses, and therefore it is not inserted here. But the satisfaction the king had in the duke's consenting to stay still in Scotland appears by the end of the next letter he wrote to himself:

56 HAMILTON, 293

This is rather to perform my promise to a lady, than that I believe it to be needful in respect of you; for I know you naturally so much favour all my friends, and know so well the great estimation I have of the earl of Brainford, beside what hath been told you concerning him by your brother Lanerick, by my directions, that I am certain without this you will favour his business what you can: and, since I am writing, I must say, that there is no particular man's business wherein you can give me so much contentment as this; of which I

need say no more, but only that you will shew his wife, that my recommendation to you of her lord's affairs is real and hearty. Nor can I end this without taking notice to you of the contentment I had that my last letter to you had the wished for operation; for besides the obtaining my end, (which several ways is satisfactorily useful to me,) I see that all men have not forsaken reason, or at least that I am sometimes in the right, as I am confident you will make appear the great reason I have to be

Your most assured, real, constant friend,

CHARLES R.

57 But to return to public affairs. The duke at his coming to Scotland procured new instructions to be sent to their commissioners at London, to press a personal treaty, and that the king might be with safety and honour in England, and that it might be declared that the government of England should still continue according to the fundamental laws. The chief business at Westminster was to be rid of their brethren of Scotland; wherefore they fell a treating about the removal of the army and the delivery of the garrisons. The Scots demanded five hundred thousand pounds sterling, and of that sum two hundred thousand pound presently: but four hundred thousand were voted to them, and only one hundred thousand presently; and upon this they stood long.

58 The two houses having on the 24th of September voted that the king's person should be demanded from the Scottish army, their commissioners at London gave in long papers against that, which were printed, and so need not be here inserted. In them they shewed,

59 That the king being sovereign of both kingdoms was not to be disposed by the parliament of one kingdom; that this was destructive to the relation and interest the Scottish nation had in him, and contrary to the nature of sovereignty, and to the covenant and treaties of both kingdoms, by which it was agreed that his majesty's just power and greatness should not be diminished, which by such a demand of his per- 294
son was very signally done. It was also agreed, that all things in order to peace (to which the disposal of the king's person did relate in a signal manner) should be done by the joint councils of both kingdoms.

After this, in the month of October, begun the treaty be-

twixt the Scottish commissioners and the committee appointed for that end by the two houses of parliament, which was managed in the painted chamber, in the presence of all the members of the two houses. The Scottish commissioners (who were the earls of Lowdon and Lauderdale and the lord Wariston) declared in all their papers and speeches that they were not to treat about his majesty's person, nor the disposing of it, but only about the removal of the army, the delivery of those garrisons that their army had in England, and the payment of arrears due for their armies both in England and Ireland: and they continued to press, that whereas the two houses had, in all their former declarations, laid the blame of the breach betwixt the king and them on his majesty's withdrawing from his parliament, that therefore they would invite his majesty to come with honour, freedom, and safety to some of his houses in or about London, in which they still insisted to the last. And so far were they from treating about the disposing of his majesty's person, that in the end of their treaty, when they had finally agreed on all things, it was expressly declared in the first article of the treaty that passed under the great seal, that nothing relating to the king's person was concluded on by it; so that after that was ended, the Scottish parliament might have still preserved the king, and brought him with their army to Scotland.

60 But the houses turned the propositions to bills, and passed a vote that new commissioners should be sent to the king with the concurrence of those of Scotland, to press a satisfactory answer: with this sanction, that if it were not granted, they should be forced to look to the security of his person. And the English army fell upon a most destructive resolution, of adjourning the parliament; neither were they overawed by any thing so much as the fear of the Scottish army. The great point now debated in the councils of Scotland was, whether a final settlement with the king should be the condition of the armies' retiring, or not? The duke, with all his friends, pressed this vigorously, as that which was agreed on by their covenant and treaties. But the churchmen still influenced all councils, and finding the king irreconcilable to their way, were still full of their jealousies of him; and it was said downright, that they ought not to meddle betwixt the king and the parliament of England, but leave him and

them to their own counsels: so strangely did their language vary from what it was anno 1643.

61 At this time the king sent Mr. Murray of the bedchamber to London, who carried another message; but it was so displeasing, that it served only to put his neck to a new hazard for the king's service, and he durst scarce stir out of doors all the while he was there.

62 In the beginning of November a new session of the triennial parliament of Scotland did hold, but little was done for some weeks, save that there came to them a remonstrance from the assembly, wherein, in the first place, complaints were 295
made of the committee of estates, for their agreement with Montrose and his followers, which was represented as a great crime, especially they being excommunicated. Next, they complained of his majesty's constant adherence to prelacy, and of the danger religion was in by the malignants, (for so was the king's party then called,) who were beginning to set up their heads again; wherefore they recommended to their care both the preservation of religion and of the treaties with England. Upon this, the transaction of the committee of estates in the agreement with Montrose was examined, and it was put to the vote, *approve* or *exoner them only:* the former was carried by twenty votes, but all the pulpits thundered against it; wherefore, to stop the mouths of the ministers, it was enacted, that in any treaty that should be thereafter with those who were in arms, the commission of the kirk should be consulted about the lawfulness of the conditions. For at this time both the marquis of Huntley was in arms in the north, and Antrim was also come over to Kintyre in July the former year, and continued still there. His majesty sent Mr. Robert Lesley with orders to my lord Huntley for laying down of arms, with whom he wrote the following letters to the two brothers:

63 HAMILTON,

A trusty messenger requires but a short letter, and brevity is the more convenient for me, who have much to do, and but few helpers: wherefore I shall say no more, but hear and trust Robin Lesly, for he is come from

Your most assured, real,
faithful, constant friend,
CHARLES R.

Newcastle,
Nov. 12th, 1646.

64 LANERICK,

Hearing that marquis Huntley expects my commands for his laying down of arms, I have thought fit to send this trusty bearer, Robin Lesly, to him, but thought it necessary to address him first to you, that you in my name might acquaint the parliament with this my intention; which if they approve of, he may go on accordingly, if not, there is no hurt done. Yet howsoever I have expressed my desire for the peace of the country: but in case they shall permit Robin to obey my commands, then I expect that they give him power to assure Huntley of the same conditions that he might have had before. All which I command you to represent to my parliament in my name, leaving the particular expressions to you, 296
having only set down the sense. Other things I have intrusted little Nobs to tell you, too long for a letter, but of no small consequence; by which at least you will find that, according to my professions, I am

Your most assured, real, constant friend,

CHARLES R.

65 His majesty also expressed his concerns for Traquair in the following letter:

LANERICK,

Albeit I am confident that you will further all my friends' affairs, yet I must not be so negligent in Traquair's behalf, as not to name his business to you, for admittance to his place in parliament; of which I will say no more, but you know his sufferings for me: and this is particularly recommended to you by

Newcastle, Your most assured, real, constant friend,
17th November, 1646. CHARLES R.

P. S.—I account writing to you or your brother all one.

66 But the main business was, what to do with their armies that were in England. The kingdom was groaning under a heavy and unsupportable burden for their maintenance, so disbanding was a very plausible motion: and all desired that only such forces should be kept up as were necessary for the preservation and security of Scotland. The duke and his brother regrated much that so many gallant men should be disbanded, who might be very useful for the king's service; therefore they opposed all these propositions, arguing that till a final peace were settled in England they might look for no security to Scotland. And in their letters to his majesty

they continued to represent the desperate estate of affairs, if he did not quickly satisfy them in the business of religion: and that the money for the pay of the army was now coming in daily at London, and would be quickly ready; and after that was sent down they could not keep the army any longer in England without a present breach, to which they found no inclinations in the Scottish parliament, as long as they were not satisfied in what was so earnestly desired. But the king 297
was firm to his first resolution.

67 Master Lesley, at his return to the king, brought him such assurances of the affection and duty of both the brothers, that the next despatch carried the following letters to them:

HAMILTON,

I remember yet so much Latin as an old proverb comes to, which is, *quod valde volumus id facile credimus.* This I apply to Robert Lesley's report of your carriage in my present service: concerning which I will only say, that you shall not more certainly make good what he hath promised me in your name, than I will to you what he hath said in mine; and even in something (by way of speaking) beyond my power, I doubt not but to make it good as concerning your French particular. But I shall leave all things, not only of this nature, to this honest bearer's relation, but likewise whatsoever else may concern the service of

Your most assured, real,
faithful, constant friend,
CHARLES R.

Newcastle, 24th Nov. 1646.

LANERICK,

I have, according to your advice, given a quick return to this trusty bearer, having instructed him fully in what I conceive necessary to my affairs, wherein in many things I have given him a latitude to govern them according to your directions; wherefore I will say no more, (because if I should enter into particulars I would not know how to end,) but that with contentment I find daily more and more cause to be

Your most assured, real,
constant friend,
CHARLES R.

Newcastle, 24th November, 1646.

P. S.—I recommend particularly the earl of Morton's affairs. 298

68 Matters were now ripening unto much confusion and mischief, which made his majesty think of a full answer to the

propositions; but before he sent it to London, he communicated it to my lord Lanerick in the following letter:

69 LANERICK, *Newcastle, 4th Decemb.* 1646.

According to my promise by little Nobs, I send you here enclosed the answer which I have resolved to send to London; wherein you will find a clause in favour of the Independents, to wit, the forbearance I give to those who have scruples of conscience: and indeed I did it purposely, to make what I send relish the better with that kind of people. But if my native subjects will so countenance this answer, that I may be sure they will stick to me in what concerns my temporal power, I will not only expunge that clause, but likewise make what declarations I shall be desired against the Independents, and that really without any reserve or equivocation; yet know, that no persuasion or threatening whatsoever shall make me alter a tittle of any thing else in it, nor that neither but upon these assurances.

The end therefore why I send you this before it go to the English parliament is, to try beforehand how I can procure it to be countenanced by my Scottish friends, for which you are to use all possible industry, not seeking a full approbation, but taking what you can get; absolutely commanding you not to hazard it in a public way, unless you be sure that I shall receive no rub in it.

For this, I conceive it were a wrong to you to use any arguments to make you do your best, but to tell this is *coup de partie;* assuring you that I shall not judge you by the event, but by your endeavours, which I am confident will be according to your professions: and for God's sake do not so much as expect, much less linger after any other or further matter from me, whereby to serve me in this great business; for upon the faith of a Christian you shall have no more than what is now laid before you. And know that I rather expect the worse than the better event of things, being resolved (by the grace of God, and without the least repining at Him) to suffer any thing that injury can put upon me, rather than sin against my con- 299
science, of which upon my credit you see the furthest extent in relation to the present affairs. I say no more but *difficilia quæ pulchra*, and so God bless your endeavours.

Your most assured, real,
constant friend,
CHARLES R.

P. S.—In order to that I have written and sent you herein, I have commanded this trusty bearer, sir James Hamilton, to tell you as many things as I can remember; whom I desire you to return to me

(or some other trusty messenger) as soon as you may with what I am to expect from thence.

70 The enclosed paper is marked on the back by the king's hand thus; *The answer to the propositions, which I have resolved to send to London;* which I insert because it is not among his majesty's printed messages.

His majesty's answer to the propositions tendered to him by the commissioners from the lords and commons in the parliament of England at Westminster and the commissioners of the parliament of Scotland.

CHARLES R.

71 As it is his majesty's chief desire to make such a return to the propositions as may speedily produce a blessed, firm, and lasting peace in all his dominions; so he hath employed his uttermost endeavours to give a full and particular answer to every branch of them. But the more he considers the nature of them, together with the high importance and variety contained therein, (not without some ambiguity, as well in the several propositions as also in comparing the one with the other,) so much the more he finds it necessary to desire the help of explanation, debate, and conference, concerning some of them, (as he touched in his paper,) whereby his understanding may be informed in those things which as yet are not clear to him, his reason may be more fully convinced, and his con- 300
science so satisfied, that without offence to either of them he may make such a particular distinct answer, as may best attain his desires of satisfying them: and though for the present his majesty (at this distance from his two houses) wants the view of many necessary papers and other assistances; yet, at what disadvantage soever, he will apply himself to give all the satisfaction that is in his power, desiring he may not be misinterpreted in any thing he shall say or omit.

His majesty's answer to the first proposition is, that upon his majesty's coming to London he will heartily join in all that shall concern the honour of his two kingdoms, or the assembly of estates of Scotland, or of the commissioners or deputies of either of them; and particularly in those things which are desired in that proposition, upon confidence that all of them respectively with the same tenderness will look upon those things which concern his majesty's honour.

Concerning all the propositions touching religion, his majesty says, that he has often and solemnly professed his opinion concerning episcopacy, to which he refers himself; yet, considering the present distractions about religion, which are so great, and of that nature that

persuasion as well as power must be used to restore that happy tranquillity which the church of England hath lately and miserably lost, (for certainly violence and persecution never was nor will be found a right way to settle men's consciences,) his majesty proposes, that he will confirm the presbyterian government for three years, (being the time set down by the two houses,) that is to say, that during the said time the church be governed by classical and congregational elderships, national and provincial assemblies, with their respective subordinations, with such forbearance to those who through scruple of conscience cannot in every thing practise according to the said rules, as may consist with the rule of the word of God and the peace of the kingdom: and that the office of ruling-elders, the power of elderships to suspend from the sacrament of the Lord's supper ignorant and scandalous persons, be all settled by act of parliament for the aforesaid term; as also that the Directory be by the same way authorized for the same time; so that his majesty and his household be not hindered from using that form of God's service which they have formerly done: and also that in the mean time, and with all convenient speed, a committee be chosen of both houses, to have a free consultation and debate with the assembly of divines, (being also willing the said assembly shall be authorized to sit for the space of the said three years, twenty more being added of his majesty's nomination,) how the church shall be settled and governed at the end of three years or sooner, if differences may be agreed. Also it is to be understood, that those committees shall have no power, but of hearing, debating, and reporting, the better to prepare all these differences for the determination of his majesty and the two houses.

To the seventh and eighth propositions his majesty will consent.

To the ninth proposition his majesty doubts not but to give good satisfaction, when he shall be particularly informed how the said penalties shall be levied and disposed.

To the tenth his majesty's answer is, that he is and hath been always willing to prevent the practices of papists, and therefore is content to pass an act of parliament for that purpose; as also that the laws against them may be duly executed.

His majesty will give his consent to the act for the strict observ- 301
ance of the Lord's day, for the suppressing of innovations, and those concerning the preaching of God's word, and touching non-residences and pluralities.

And his majesty will be willing to pass such an act or acts as shall be requisite to raise monies for the payment and satisfaction of all public and past debts, expecting that his also will be therein included.

As to the proposition concerning the militia, though his majesty cannot consent to it *in terminis* as it is proposed, because thereby (as he conceives) he wholly divests himself of the power of the sword intrusted to him by God and the laws of the land for the protection and government of his people, and placeth the same (in effect) for ever in the two houses of parliament; thereby at once disinheriting his posterity of that right and prerogative of the crown which is absolutely necessary to the kingly office, and so weakening monarchy in this kingdom that little more than the name and shadow of it will remain; yet, if it be only security for the preservation of the peace of this kingdom after these unhappy troubles, and the due performance of all the agreements that now are to be concluded, which is desired, (which his majesty always understood to be the case, and hopes that herein he is not mistaken,) his majesty will give abundant satisfaction; to which end he will consent, by act of parliament, that the whole power of the militia, both by sea and land, be in the two houses for the space of ten years, and afterwards to return to its proper channel again, as it was in the time of queen Elizabeth and king James of blessed memory. And now his majesty conjures his two houses of parliament, as they are Englishmen, Christians, and lovers of peace, by the duty which they owe to him their king, and by the bowels of compassion which they have to their fellow-subjects, that they will accept of these his majesty's offers, whereby the joyful news of peace may be again restored to this languishing kingdom. His majesty will grant the same to the kingdom of Scotland if it be desired, touching the conservation of the peace betwixt his two kingdoms.

Touching Ireland, his majesty will give full satisfaction as to the managing of war, and for religion, as in England.

Touching the mutual declaration proposed to be established in both kingdoms by act of parliament, and the qualifications, mollifications, and branches which follow in the propositions; his majesty truly professes that he does not sufficiently understand divers things contained therein: but this he sufficiently knows, that a general act of oblivion is the best bond of peace, and that after intestine troubles, the wisdom of this and other kingdoms hath usually and happily in all ages granted general pardons, with none or very few exceptions, whereby the numerous discontentments of many persons and families (otherwise exposed to ruin) might not become fuel to new disorders or the seeds of future troubles. His majesty desires that his two houses of parliament should seriously descend into these considerations, and tenderly look upon his condition herein, and the perpetual

dishonour that must cleave to him if he should thus desert so many persons of condition and fortune that have engaged themselves with him only out of a sense of duty. His majesty is very unwilling to enlarge himself further upon this subject, but earnestly desires that upon conference these particulars may be better understood and reconciled, wherein he will condescend to all that in honour and justice he may do concerning the same; and then they may likewise particularly consider and conclude of the best means to discharge the 302
public debts, as likewise those of his majesty's: and then his majesty will apply himself to the consideration concerning the seals, and any other thing now casually omitted, or to which for the present (without further information or debate) his majesty cannot give any positive answer.

As for the offices which are mentioned in the seventeenth article, albeit his majesty judges that the free disposal of them is a necessary flower of the crown; yet he is content, for the space of these next ten years to come, to nominate such, both for England and Ireland, who after shall be approved of by the two houses, to be enjoyed by these persons *quam diu se bene gesserint*, so that after the said ten years they shall return to be disposed of as formerly.

His majesty will very willingly consent to the act for the confirmation of the privileges and customs of the city of London.

And now that his majesty hath thus far endeavoured to comply with the desires of his two houses of parliament, he conceives it seasonable for him to propose some things for himself, which (if consented to) may be a testimony of their reciprocal affections to him.

First, that an act of oblivion and general pardon be passed by act of parliament, whereby all the seeds of discontentments and future troubles may be quite extirpated.

Secondly, that the two houses would settle upon his majesty such a certain revenue as may be honourable, and sufficient for the support of him, his wife, children, and their families.

Lastly, that this agreement may be firm and lasting, his majesty desires to come to Westminster with honourable freedom and safety, there solemnly to confirm the same; where he may both give and receive pledges of mutual love, confidence, and of trust with them in all things which shall concern the good and prosperity of his people.

Newcastle, the *Decemb.*
1646.

72 To this letter with the enclosed message my lord Lanerick wrote the following answer:

73 MOST SACRED SOVEREIGN,

Immediately after the receipt of your majesty's commands of the 4th instant, by sir James Hamilton, I imparted under a tie of secrecy your intended message to the houses of parliament, to such persons as I knew were most tender of your majesty's honour and happiness: but I must humbly beg your majesty's pardon if my freedom offend, since I cannot conceal so important a truth as that. I cannot find many here satisfied with it, nor dare I promise the least countenance to it from this kingdom; seeing your majesty hath divers times verbally, and now again by your letter, assured me of your resolution to adhere to the grounds contained in this message. I shall not presume to make any objections against it, having (when I had the honour to wait upon your majesty last) represented my sense of that you was pleased to send by Mr. Murray, whereof this in divers particulars comes far short; for besides that it is as wanting in that article concerning religion, your majesty offers far less than you did at that time by the private instructions your majesty then gave him, in the propositions about the militia, officers of state, and the great seal: yet I find not your majesty's condition is much more promising, at 303
least to vulgar eyes. That clause concerning the liberty your majesty would allow to tender consciences is one of the meanest particulars that is misliked in your majesty's answer to the proposition concerning religion: your majesty's preface to that article, the limitation of time to presbyterial government, the addition of twenty of your majesty's nomination to the assembly of divines, the particular exception of your own family, and (what is most of all) the total omission of making any mention of the covenant, are the most insisted-on objections. But as I dare not think upon the sad consequences (in relation to your majesty's person and government) which will presently follow upon the return of the Scottish army, and your majesty's declining to allow the covenant, without which, though I presume not to press it, all that can be offered will not satisfy here; so I will not conceal the great advantages which I conceive the doing of it would bring to your majesty and to those you study to preserve: for I am confident it might be so managed, as this kingdom would not only declare themselves for preserving your majesty's just rights in civil relations, but likewise engage themselves for an honourable and speedy invitation of her majesty to return from France. Besides an easy passing of all such who during these troubles have adhered to your majesty in England, with what else could be expected from faithful and dutiful subjects. But I have by

my impertinent expressions exceeded both my intention and duty, for which I humbly beg pardon for

Your majesty's most faithful,
most loyal, most obedient
subject and servant,
LANERICK.

Edinburgh, 8th Decemb. 1646.

74 Upon this his majesty wrote what follows:

LANERICK,

I like well of your accustomed freedom, nor shall I alter my style to you: and indeed as I am well satisfied with your proceedings, in order to my commands sent by sir James Hamilton, so I wonder much that my intended answer had so ill a reception among you; for albeit I could not expect that you would approve what I know is so much against your wishes, yet I thought that even common charity (besides, believe me, there is also the interest of the country which would be considered) might make you endeavour to make the best of that you saw remediless. Yet since what I sent you is so much mistaken, the rest is the less wonder to me; for it amazes me to hear that some amongst you, who know every tittle that Will. Murray carried, say that this is far short in divers particulars, when there is but one (which is the militia) for which there is any colour, and not that neither but in a much wrested sense. And is it not so, when private instructions are the only ground, which only permit a further latitude to be made use of in case of absolute necessity, and not 304
otherwise, it being a new kind of incivility that particular freedoms should be esteemed public obligations; yet if they think they have so great a catch of it, so that Scotland will declare for me, I will stand to the least tittle of these instructions (nothing being omitted) according to their plain grammatical sense. As for the officers of state, certainly my advocate will clear that mistaking; for all the alteration concerning them is only for the better conformity of that paper which he brought from London. And for the great seal, upon the perusal of all my papers I have not wit enough to find from whence the ground of going less can be taken: but for religion, I know not what to say, except endeavouring to be civil be termed a going less; if so, that fault shall be soon helped. And indeed I cannot but think it strange, that rather than to comply any thing with my conscience, you will (I speak not personally to you, but to the kingdom in general) submit to the wills of those who at least can never prove your friends, and that to the visible prejudice (I may say more) both of you and me, though I express my endeavouring to content you by

shewing you more than a probable way for attaining your pretensions, which you make altogether desperate by rejecting my offer. And truly I am confident not to be single to think your exceptions strange; for first, civil ingenuity uses not to be misliked; then, I rather expected thanks for giving of some time to presbyterial government, than to have the limitation of it objected against me, especially since that without me it cannot be established. And is it unfit for me to have what is granted to all public ministers by the law of nations? Yes, I cry you mercy, for kings use to dispense, not to be dispensed with. And why will ye not have twenty divines of my nomination to speak amongst your grave assembly? Is it that you misdoubt your cause, or that you will not have it disputed? Neither of these reasons can I submit to, a third I cannot find. Lastly, as for your covenant, when, and not before, I shall be satisfied in my conscience that I may allow it, I will: but I see no way for that satisfaction, unless by such a conference as I have proposed. Now for sad consequences I know no antidote so good as a clear conscience, which (by the grace of God) I will preserve, whatsoever else happen to

Your most assured, real,
constant friend,
CHARLES R.

Newcastle, 14th December, 1646.

P. S.—I have so much work now, that if you had ten brethren, 305
what I have written is enough for them all.

75 A few days after this his majesty sent his last message to the two houses, to be presented to the Scottish parliament, with which he wrote the following letters to the two brothers:

HAMILTON,

I thank you for the timeous advertisement you and your brother have sent me by this bearer, whom I have returned to you with some queries, which I desired a friend of yours to write more at large to you than I have now time for; to which and to this bearer referring you, I rest

Your most assured, real,
faithful, constant friend,
CHARLES R.

Newcastle, December 19th, 1646.

76 LANERICK,

Since I saw by what sir James Hamilton brought me from you, what reception my intended message to London was likely, nay, sure to have, and since my conscience will not permit me a further length, (I know not what I may do upon a full and free debate at London,)

I have sent another, the copy whereof is here enclosed, which I expressly send you, to acquaint the Scottish parliament with what I have done, and to desire their assistance in it; in which, knowing that your fidelity needs no spurs, nor your ability information what to say, I will say no more, but that I am

Your most assured,

Newcastle, real, constant friend,
19*th Decemb.* 1646. CHARLES R.

77 But as for the enclosed message, it being printed among his majesty's messages, it is needless to insert it here.

78 And now came on the fatal turn of matters in Scotland, which shall be set down from a letter of my lord Lanerick's that follows, but to whom the writer knows not, the direction being lost.

79 Since my last, our debates have been of so great importance that 306
I cannot conceal them. Yesterday we spent two hours in the grand committee, (the whole parliament being present,) and indeed to good purpose; for it was resolved, that present instructions should be sent to our commissioners, to press his majesty's coming to London with honour, safety, and freedom, and that we should declare our resolutions to maintain monarchical government in his majesty's person and posterity, and his just title to the crown of England. But I confess this day is the saddest I ever saw, for after resolutions were taken of sending to his majesty, it is carried that nothing but a grant to the whole propositions must be demanded, and in case of a refusal the former certifications given to his majesty put in execution, of securing the kingdom, and settling a government without him: and lest his majesty should have hopes of engaging this kingdom on easier terms, or thinking to come to Scotland, (where though he should lose England, he might exercise the office of a king,) it is to be declared that this kingdom cannot lawfully engage themselves for his majesty's preservation, albeit he should be even deposed in England, he not taking the covenant, satisfying in religion, and giving a satisfactory answer to the rest of the whole propositions presented to him in name of both kingdoms. Besides it is to be declared, that his majesty will not be admitted to come to Scotland, where though he were, his regal function would be suspended, and even his royal person at least be put under restraint, if not delivered up to the parliament. While we were on these debates, the enclosed warning was presented to the parliament by the

commission of the kirk, which though you may think possibly high, yet really it is very moderate in regard of these motions have been in public; for now all private meeting is quit by us in relation to his majesty's person, which certainly will not only not be admitted to come into Scotland, but a joint course will be taken by both kingdoms for keeping him in restraint in England. And you may be confident, that will certainly be carried in despite of those that will oppose it. And to prepare us the better, before we come to a resolution, we are to-morrow to have a kind of fast, and hear two sermons in the morning, (according to our custom at St. Andrew's before the executions,) and the rest of the day is to be employed in taking a final resolution; which (without all peradventure) will be to send commissioners to his majesty, to demand the whole propositions, (for religion will not satisfy,) and to settle both kingdoms without his majesty's regal authority, and imprison his person in England, for he will not be admitted to come to Scotland. This I thought fit to shew you; from others you will hear what hath been every man's particular carriage in the debates; and our future actions, though they prove not useful to his majesty, yet shall witness to the world and posterity how we detest such resolutions. However, I shall boldly say, that some who professed at their parting from his majesty as much if not more than I did, and for aught I know were more trusted, have this day shewed themselves to the world in their natural colours; for truly I never remember to have seen any thing carried with so much violence and bitterness, as the resolution of not suffering his majesty to come to Scotland, our declaring it unlawful to espouse his interest, and the fitness of restraining his person in England. I dare not advise any thing, only this, whatsoever his majesty intends to do, I wish it be done quickly; and I dare say, upon my honour, within few days he will not be master of himself nor his resolution; and then I doubt his 307
offers will come too late. I shall conclude, you never saw the stream so strong in Scotland, nor so desperate an affliction as doth now possess the heart of

Your most humble servant,

LANERICK,

80 And with this long account he wrote to his majesty what follows:

SIR,

I shall not presume to trouble your majesty with the sad relation of our carriages here these last two days; the particulars will be

represented to you by others. Only give me leave to beg, that what your majesty intends to do be quickly done, for our resolutions here will be sudden and sharp. Whatsoever other men's carriage be, I am resolved to die rather than concur with them. This is the fixed resolution of

Your majesty's most humble,
most faithful, most obedient
subject and servant,
LANERICK.

Edinburgh,
17th Decemb. 1646.

81 Now were the two brothers, according to the variety of their tempers, swallowed up with the excesses of passion. The duke was all melancholy and despair, and Lanerick was full of fury and rage. But say or do what they could, all was in vain. One rare instance of the king's temper appeared at this time; for after he had got this account, which brought him such ill-tidings, he took no notice of it to those about him, but continued in a game at chess, and was as cheerful as before. He was at that time thinking of making an escape from Newcastle by sea, but whither he intended to have gone does not appear to the writer: to that Lanerick's letters do relate, when they press his speedy resolving on what he intended. The design was thus laid: Mr. Murray had provided a vessel by Tinmouth, and sir Robert Murray was to have conveyed the king thither in a disguise; and it proceeded so far, that the king put himself in the disguise, and went down the back stairs with sir Robert Murray. But his majesty apprehending it was scarce possible to pass through all the guards without being discovered, and judging it hugely undecent to be catched in such a condition, changed his resolution, and went back; as sir Robert informed the writer. This came to be known to some: and one suspecting the duke was in it, wrote to him earnestly to concur in no such design, and that the king's getting out of their hands again would ruin all; that no man of honour and conscience ought to serve the king, since he would not serve God according to the covenant: adding, that it seemed God had no mercy for the king or his family, since his heart was still so hardened in the matter of the covenant: so highflown were men at that time.

82 At London things went on with great despatch: for the 308

retiring of the Scottish army another hundred thousand pounds sterling was voted to be paid presently, and other two hundred thousand pounds to be raised out of the sale of bishops' rents, and delinquents' estates; whereupon it was agreed, that the army should return to Scotland upon the delivery of the money, which was immediately to be sent down to Newcastle.

83 In Scotland upon the evening of the next day, after the fast mentioned in the earl of Lanerick's letter, these infamous resolutions, set down in his letter, were voted; and all that could be said by the two brothers, or any few of their friends who adhered to them, had no other effect but to drive it off a few minutes, the tide made so strong the other way. The king at this time was much pressed both by the queen from France, and by Believre the French ambassador, to consent to their demands; but all was to no purpose, and my lord Lanerick's last letter prevailed no more than the former.

84 Most sacred Sovereign,

By monsieur Montrevil I received your majesty's of the 14th instant, and do humbly acknowledge your gracious reception of the freedom I used in my former letter. And now when your majesty doth see to what a height the public resolutions here are grown, your majesty will soon find how just my fears were, that your intended answer to the propositions of peace, if published here, would have received no countenance nor assistance hence, satisfaction in religion being still waved; without which, as then, so I have always assured your majesty, there would be an absolute impossibility of preventing your receiving eminent prejudices from this country. I shall not presume to reply to the answers your majesty makes to the objections were made here (for I did not then speak mine own language) against your answer to the propositions: I never laboured to persuade your majesty to grant them, from a sense of their justness, but only out of an opinion of their fitness in relation to your present condition, which (by what your majesty will learn from the bearer) is more threatening now than ever. I know the representation of your danger, in what horrid shape soever it may with reason lie before you, will be as impertinent an argument as any: yet though your majesty should neglect it in reference to yourself, pity your hopeful children and posterity, pity your subjects, and suffer us not to ruin ourselves, which the confusions we are running into will certainly bring upon us; and pity all those who have suffered for

you, who will be exposed to certain ruin. All possible means have been used in a parliamentary way, which is the only mean left to prevent the extreme resolutions that are now taken: but all is to no purpose; our best friends forsake us upon any motion, which may infer the least latitude about the covenant and religion; and therefore, as in the presence of God, I must discharge myself to your majesty, and shew you the resolutions now taken here in relation to the restraining of your majesty's person, and governing the kingdom without you, will be infallibly put in execution, if your majesty does not satisfy in the covenant and religion to the full, as it is demanded: neither will it be in the power of any in this kingdom to prevent affronts and danger to your majesty's person, if you should have any thoughts of coming hither. Sir, I take God to witness, I 309
write this with a sadder heart than I would receive a sentence of death against myself, and shall grieve more at the performance of that, than I should at the execution of this upon

Your majesty's most humble,
most faithful, most obedient
subject and servant,
LANERICK.

Edinburgh,
December 22d, 1646.

85 His majesty's last message was presented to the Scottish parliament on the 23d of December, by the earl of Lanerick, and backed by him with the warmest language that he could use; but nothing that was new being offered by it, a compliance with it was not to be expected. It was also sent to London, and first presented to the house of peers, whereat all, even those who were best affected, hung their heads, and sent it down to the house of commons without a word; and there it met with the same entertainment. The next debate was about the king's person, and the mildest opinion was, that he should be kept prisoner, some being for the excluding him for ever from the government. And for the place of his restraint, some were for his stay at Newcastle, but it was carried that he should go to Holmby. And this passed without communicating it to the Scottish commissioners. But when he was ordained to be kept in safety for his person, Henry Martin objected that the king had broken the peace, and why must the parliament bind for his safety? Some moved to preserve his person according to the covenant, and it was carried, which was thought a great point. For now it was esteemed,

that the covenant was that which must preserve the king, though his ruin had been formerly imputed to it.

86 In the end of the year the Scottish commissioners parted from London; and it being moved in the house of commons to send some with a compliment to them before they went, with the thanks of the house for their *civilities and good offices*, those of the Independent cabal argued much against that, of *good offices* done by them, and reckoned many bad ones since the king went to Newcastle; and it being put to the vote, it was carried by 24 votes, to dash out *good offices*, and only thank them for their *civilities*. And so all those noble characters they were wont to give of the Scottish commissioners, upon every occasion, concluded now in this, that they were *well-bred gentlemen*.

Thus ended this present year, but none saw an end of 310
miseries like to come.

Anno 1647.

87 In the beginning of the next year commissioners were sent from the parliament of Scotland, to represent their late resolutions to his majesty. On the 12th of January they presented their first paper, wherein they laid out all they could devise for the pressing a satisfactory answer to the propositions; expressing with what earnestness all men were waiting for it, and that it would be received with more joy than had been ever seen at any coronation in England. But after they had delivered this message, and the 14th day was come, wherein the king promised his answer, he told them, he must be resolved of two things before he could give his answer: the first was, if he was a free man or a prisoner? adding, that if he were a prisoner, it was the opinion of many divines, that promises made by a prisoner did not oblige, though he did not assert that to be his own sense: the next was, whether he might go to Scotland with honour, freedom, and safety, or not? They declined long to give an answer, and in that debate three hours were spent; at length, being put to it, they delivered all their severe message in the following paper:

88 May it please your Majesty;

We are commanded by the parliament of Scotland to represent to your majesty the many inconveniences will ensue upon your majesty's denial or delay of granting the propositions concerning

religion and the covenant, and not giving a satisfactory answer to the remanent propositions; and particularly to represent the prejudice will thereby arise to the true reformed protestant religion abroad, and to the reformation of religion in these kingdoms, the danger of your majesty's person, and to your own and posterity's government.

II. If your majesty (not granting the propositions concerning religion and the covenant, and not giving satisfactory answers to the other propositions) shall relinquish England, we are commanded by the parliament of Scotland to represent to your majesty, that in that case they find it unlawful for them to assist your majesty for recovery of the government, your majesty not granting the covenant and propositions as aforesaid.

III. We are commanded by the parliament of Scotland to represent to your majesty, that they find your majesty's coming to Scotland (not granting the propositions concerning religion and the covenant, and not giving a satisfactory answer to the remanent propositions) dangerous to the cause, to your majesty, to your native kingdom, and to the union betwixt Scotland and England, and that the kingdom of Scotland will be necessitated to take course to prevent your coming.

IV. Both kingdoms will take course for disposal of your majesty's person, until such time as your majesty grants the propositions, or otherwise agree with your majesty's parliaments.

V. We are commanded to make known to your majesty, that until your majesty grant the propositions in manner foresaid, or that some course be resolved by both kingdoms concerning the disposal of your majesty's person, your majesty cannot be admitted to come or remain in Scotland with freedom. And in case your majesty do 311
come, we are commanded to represent to your majesty, that the kingdom of Scotland will be necessitated to put such attendants and guards about your majesty's person, as may preserve you in safety, and your kingdoms in peace, and may prevent all tumults, insurrections, and gatherings of malignants.

We are further warranted to represent to your majesty, that if you do not grant the propositions concerning religion and the covenant, and give a satisfactory answer about the remanent propositions, the kingdom of Scotland will be necessitated to continue the government without your majesty, as hath been done these years by-past.

Newcastle, 14th January, 1647.

89 But the answer they got shewed that the king could not be threatened to the doing of any thing he judged contrary to his honour or conscience. His majesty's answer being re-

turned back to Edinburgh on the 16th of January, which was Saturday, it was debated in parliament what should be done with his majesty's person. All inclined to deliver him up immediately to the English parliament; at which proposition the duke and his brother expressed their horror, with language so full both of reason and affection, that nothing but violent and enraged passion could have resisted it.

90 They said, "Would Scotland now quit a possession of fifteen hundred years' date, which was their interest in their sovereign, and do it to those whose enmity both against him and them did now visibly appear? Was this the effect of all their protestations of duty and affection to his majesty? Was this their keeping of their covenant, wherein they had sworn to defend the king's majesty's person and authority? Was this a suitable return to the king's goodness, both in his consenting to all the desires of that kingdom, anno 1641, and in his late trusting his person to them? What censures would be passed upon this through the whole world! what a stain would it be to the whole reformed religion! and, in fine, what danger might be apprehended both to the king's person and to Scotland, from the party that was now prevalent in England!"

91 But notwithstanding all this, the question was put in these words, whether they should leave his majesty in England to the two houses there, or not? so softly did the prevailing party present that infamous business to the vote of the parliament. The duke's vote was suitable to his discourse and temper, being a negative uttered with much grave and deep sorrow; but I shall set down Lanerick's in the formal terms wherein he expressed it; *As God shall have mercy upon my soul at the great day, I would choose rather to have my head struck off at the market-cross of Edinburgh, than give my consent to this vote.* The earl of Lindsay, now earl Crawford, was president, and so could not debate: but as in the stating the vote he expressed much honest zeal, so when it was carried in the affirmative he dissented from it; and to him those who had voted in the negative did adhere. But some of their friends were accidentally absent, others on design, and some downright deserted them; so that though there were divers who dissented, yet they were far short of being able to balance

the vote. When all this was done, Lanerick with a deep groan said, *this was the blackest Saturday that ever Scotland* 312
saw, alluding to a great eclipse that was many years before on a Saturday, from which it was still called *the Black Saturday.*

92 This being sent to the commissioners at Newcastle did not at all shake his majesty, he being resolved not to yield to that, no not at Holmby, which he had refused at Newcastle.

93 In the end of the month the English commissioners and forces came down, and the arrears for the payment of the army being delivered, the Scottish army withdrew, and left the king in the hands of the English, who presently sent him to Holmby.

94 And this is a free and faithful relation of that great transaction, only in invidious passages I have spared the memories and families of the unhappy actors.

95 It was presently the matter of discourse and censure of Christendom, and brought an infamy on those who acted it, which though an indemnity could pardon, yet no oblivion was able to deface. It was thought strange, since the king had trusted himself to Scotland, that they should have thus deserted him. What grounds Montrevil had for giving the king those assurances did not appear; and certain it is, they were very slight ones, and were only from single persons, but not from any *junto* or judicatory.

96 But generous minds thought the king's frank casting himself into their hands was an obligation beyond any engagements they could have given. And it was thought strange madness in those of Scotland to do it at that time, since they saw the Independents prevailing, whose designs against the king's person and monarchy had been faithfully discovered to them by some of their commissioners at London, and who were as little friends to the covenant and presbytery as the king himself was; so that considering their power, such a strengthening of them brought religion under a hazard of another nature than could have been apprehended upon their accepting of the king's concessions. But the contradiction that this course had to the covenant was so plain, that none could avoid observing it; for to make their king a prisoner

was an odd comment upon their defending of his person and authority: and to do all that because he would not force his conscience, was judged a strange practice from those who had so lately complained heavily against any appearance of force upon tender consciences.

97 These were the censures that generally passed on that transaction: the king's stiffness was also very much condemned, and most men, not understanding the strictness of a tender conscience, thought it was humour that swayed him, and judged that in the posture affairs were then in, he should have yielded to any thing, how unreasonable soever, rather than have so exposed himself, his posterity, and his kingdoms, to such visible hazards; reckoning that no form of government that ever was, deserved to be so firmly adhered to. All persons looked for dismal effects from these resolutions, few thinking the friendship betwixt Scotland and England would be lasting: and all apprehended some strange curse would overtake those who were active in this infamous business.

98 Amidst these greater reflections, there were some who suspected the duke had not acted in that affair with that candour and zeal he expressed: and this was chiefly founded on the base votes of some of his friends, chiefly of one who 313
had served him, but was then a lord. But as the tract of this account hath cleared the whole progress of his negotiation, so the visible affliction of his mind, which drew after it a great indisposition in his body, did abundantly refute these calumnies. And indeed that great mind which did not succumb under the hardest trials, when it employed its utmost strength, was now reduced to the most pinching straits, and almost to desperate resentments; so that he repented his stay in Scotland, since he foresaw nothing but imminent ruin to king and country: yet his majesty's opinion of his zeal and affection to his service was at this time proof against all whispers, which appears by the following letter:

99 Hamilton,

I know it were needless to recommend this bearer, Will. Murray, to you, but that his persecution at this instant for my sake is such, that in a manner it even extorts these lines from me, to tell you that your hearty and real dealing to procure his waiting upon me is a good

occasion, which I am confident you will not let slip, to shew your constant zealous affection to

Your most assured, real,
constant friend,
CHARLES R.

Newcastle, 29th January, 1647.

100 Now it was that genuine melancholy and horror dwelt in all the duke's thoughts, his brother was too deeply prepossessed with the like apprehensions to minister much comfort to him; only he pressed him not to give way to languishing sorrow, but to see what could be done for setting things right again; and for infusing that sense of shame and horror in all people for the late action, which might prepare them to a noble reparation of it by a generous engaging in the king's quarrel. And upon this much pains was taken to infuse jealousies of the Independents in the minds of the kirk men, though there were other violent persons as careful to refute them.

101 Most of this year was spent in possessing all men's minds with these apprehensions, so preparing them for what they designed to execute upon the first opportunity. The duke and the earls of Lauderdale and Lanerick were they who united most closely and cordially for the contriving and prosecuting of that design. The king was prisoner at Holmby, without any other liberty save that of taking the air sometimes: all his servants were denied access to him, and so cruel was the zeal of his enemies that it reached to his soul; for they refused liberty for his chaplains to wait on him, a favour not denied to the worst of malefactors; but God was his refuge, who supported him in all his sufferings and solitudes. The two houses wrote to the committee of estates in Scotland, that they should take such a joint course with them as might tend most to bring things to a happy peace.

102 But now the jealousies betwixt the parliament and the army 314
begun to grow visible and aboveboard, for the presbyterian party in the parliament saw their error too late; most of them seemed to have intended the king's good, only they were mistaken in judging that the parliament, in which they were most numerous, would never be disobeyed by the army: but being disappointed in this, they ruined all, their confidence in their power in parliament having been the cause why they

let the Scottish army go home; for till they were gone the Independents crouched under them, and trepanned them into severities against the king, and the dismissing of the Scots; who were no sooner gone, but the army acted what had been before projected, but most industriously concealed from the presbyterians.

103 In April the earl of Lauderdale was sent from Scotland to London, to insist on the motion for a settlement with the king, and chiefly to hinder the adding of any new propositions; and he was also instructed to deal for a permission to the duke and the earl of Dumfernline to go and serve the king in his bedchamber. But the earl of Lauderdale found matters in great confusion at Westminster, for the chief thing thought on was the disbanding of the army, which was an unnecessary burden to the kingdom, many grounds of fear appearing that their designs were to keep themselves up, and govern the nation by a military and arbitrary power: therefore such as were best affected, judged it necessary once to disband them, before they engaged in a new treaty with the king. But for that private proposition concerning the duke and Dumfernline, the earl of Lauderdale seeing it would not take, because there was not a family yet settled about the king, nor could it be expected that any from Scotland would be the first they would set about his majesty's person, did not present it: and indeed the duke's late behaviour, in opposing the delivery of the king, had forfeited his credit with those of England then in power. But it is not my meaning to go on with a regular history of the irregular transactions that passed in England this year: I shall only say so much of them as will make appear what reason the Scots had for their proceedings, and to clear what may have relation to the duke's concerns.

104 In the middle of May the king sent a new message to the parliament of England in order to a treaty: but his offers were the same (upon the matter) they had been at Nowcastle, and so not like to take; and the two houses were then busied about disbanding the army. They therefore ordered the army to be disbanded, and some of the forces they kept up to be sent over to Ireland; and all satisfaction being offered, the time of their disbanding was named. But the ringleaders of the army disposed them to mutiny against the parliament,

upon pretence of want of satisfaction in matter of money, and reparation in point of honour; so the army drew to a body, and erected a court, who were called *the agitators*. Meanwhile Cromwell puts his party in the house of commons on the recalling of their declarations against the army, and goes to the army, though his commission was expired. More money was offered to the army, but nothing was accepted; only divers of the presbyterian officers submitted, and subscribed for Ireland, whereupon they were by the prevailing part of the army disbanded. And the army, to make a sure game for their party, sent one Joice (a tailor by trade, but now a cornet by his employment) to Holmby, who came at twelve 315
o'clock at night, and forced the king to go with him against his will. Upon which the earl of Lauderdale emitted a declaration, in name of the Scottish nation, against that force put on the king's person, contrary to all their treaties and declarations; and demanded that his majesty's person might be presently set at liberty, and brought with honour, freedom, and safety to some of his houses in or about London: and after that he went to Newmarket, to wait on the king, who was there with the army. But the army begun to abuse his majesty into some confidence in them, and used him at another rate than had been done at Holmby. They gave free access to all his servants to come to him; they allowed his chaplains to attend about him, and serve in their office according to the Liturgy, and permitted him free correspondence with the queen and every body else; and in their discourses intimated their willingness to lay aside the covenant, and allow the toleration of episcopacy and the Liturgy: all which, though smoothly said, was meant to cajole him to his ruin. As soon as his majesty was at liberty, he wrote the following letter to my lord Lanerick:

105 LANERICK,

The present condition of my affairs is such, that I believe you and your brother may do me better service at London than where you are; therefore I desire that both, or at least one of you, would come up as soon as you could: the rest I leave till meeting, and so farewell.

Your most assured, real,
constant friend,
CHARLES R.

Newmarket, 22nd June,
1647.
HAMILTON.

106 To this my lord Lanerick wrote this answer:

SIR,

Your majesty's letter of the 22nd of June had been immediately obeyed, if our stay here for some time had not been conceived of more use to your majesty's service. Your condition is so variously represented here, that your faithfullest servants know not how to carry themselves; therefore the intimation of your majesty's own pleasure would be of great use. No sooner shall the temper of people here (which for the present is strangely inflamed) be any thing allayed, than one or both of us you commanded shall attend you, according to the duty of

Your majesty's most humble,
most faithful, most obedient
subject and servant,
LANERICK.

107 His majesty upon that wrote what follows: 316

LANERICK,

It is impossible for me at present to give a categorical answer to your (I confess) necessary question: all I can say is, that I am now at much more freedom than I was at Holmby; for my friends have free access to me, my chaplains wait upon me according to their vocation, and I have free intelligence with my wife, and any body else whom I please, all which was flatly denied me before: besides, the professions are much more frank and satisfactory to what I desire, of this army, than ever was offered by the presbyterians. And truly, if these people rightly understood their own condition and interests they must do what they profess, which is, that king, parliament, and people may each have respectively what is their own; and yet it must be their actions, not words alone, which shall make me put confidence in them.

Hitherto they have made me no particular offers, though daily pressed by me; but as soon as I can clearly see through their intentions, one way or other, I will not fail to advertise you with my commands thereupon. In the mean time, having truly, though shortly, set you down the true estate of my present condition, I leave you to judge and do what you shall find best for my service. So I rest

Your most assured, real,
constant friend,
CHARLES R.

Casam, 12 *July*,
1647.

P. S.—I have intrusted this trusty bearer with several particulars which I thought too long for a letter.

108 And the day after that he wrote again:

LANERICK,

This is first to recommend this honest bearer to your care, to further him in passing of those small favours I have bestowed upon him; next, that you would do your best for the relief of those Gordons who were lately taken; both which, as to you, were need- 317
less, but that I know it is fit for me at all occasions to express the care I have of those that wish me well. So farewell.

Your most assured, real,
constant friend,
CHARLES R.

Casam, 13 *July*, 1647.

P. S.—Send me word if you have yet remembered your promise to me concerning the late archbishop of St. Andrew's book.

109 To which my lord Lanerick wrote this answer:

MAY IT PLEASE YOUR MAJESTY,

Yours of the 12th I received yesterday. We are joyed for what you write of the civilities you met with, but are full of doubts and fears of their continuance, especially since we are informed, that, notwithstanding all public professions, strange demands are preparing to be offered to your majesty. I ever hated thralling of consciences, yet I shall be sorry there were no other price of spiritual freedom than your majesty's loss of all temporal power. This kingdom will be easily induced to venture their lives for the last, but none will hazard the first; since they will not declare for your majesty, but clogged with the covenant. It was thought fit to delay all resolutions until the 5th of August next, expecting against that time, either from the nature of the demands we hear are now to be made to your majesty, or from the carriage of the army to your sacred person, grounds will be given either to rest satisfied, or to resent it as becomes loyal subjects. It is wished your majesty's true condition and positive pleasure may be made known (from yourself if possible) against that time, when certainly the sense both of this church (seeing the general assembly will be then sitting) and state upon the present differences in England, as they have relation to, or can have influence upon Scotland, will be made known. It is wished your majesty's prudence may prevent further prejudice, by going at first the full length you intend, in granting what conditions shall be demanded; or if you find them absolutely destructive to

you, to put yourself in that condition, that our persons and lives may be of use to your majesty, which shall be the constant care of

Your majesty's most faithful,
most loyal, most obedient
subject and servant,
LANERICK.

Edinburgh,
21st July, 1647.

P. S.—I have not as yet been able to put your commands in exe- 318
cution concerning the bishop of St. Andrew's book, in regard the copy I have is both uncorrect, and wanting in many essential things; but I have already taken a course to have that supplied from a true copy of the original, now in the possession of our commissioners at London.

110 His majesty's answer follows:

LANERICK,

Yours of the 21st instant I received yesterday, having before resolved to have written to you, though I had received none from you, to shew you from time to time what my condition is. And yet for easing my pains, I have thought fit to refer you to the bearer, John Chisley, to tell you the true state of affairs, with my opinion thereupon, to whom I have largely and fully spoken my mind: wherefore I will only say this one word, that whatsoever you resolve on, you must not think to mention (as to England) either covenant or presbyterial government; for it will ruin you, and do me no good; experience of which was clearly seen at Newcastle. So desiring you to trust this bearer, I rest

Your most assured,
real, constant friend,
CHARLES R.

Wooburn,
27th July, 1647.

111 The army drew nearer London, declaring they came to restore the king, and to reform the parliament. This was popular, and took with many, wherefore the parliament, to undeceive both king and people, voted his majesty's coming to Richmond for a personal treaty, and that the army should not come within thirty miles of London. But the army refused obedience, and carried the king with them, and sent threatening messages for recalling of those votes: and they designed next to model the two houses; whereupon a frivolous general charge was drawn against eleven of the most considerable members, who withstood their designs, and they

pressed their suspension from the house. But it was voted in parliament to be against law to suspend any member upon a general charge, without bringing in and proving special matter. And the two houses did choose a committee of safety to treat with the city of London, for raising a new militia for their own security, and some of the trained bands were drawn together under presbyterian officers. Upon this the army came to London, forced the houses to recall their votes and disband their forces, and drove away the eleven members. And thus having overawed both parliament and 319
city, they began to levy new forces: but as soon as they withdrew from London, the citizens of London came in great numbers to Westminster, and petitioned to have their militia settled again according to their former votes; which being granted, the parliament next day was at liberty, and the secluded members returned. About the end of July, the earl of Lauderdale going to wait on his majesty, who was then at Wooburn, was not only hindered access, but by the violence of the soldiers carried away; and say or complain what he would of the violation of the treaty with Scotland, and the law of nations, by that affront put upon a public minister of another kingdom, he could not prevail, but was forced to be gone. After this, the king was voted to come to London. But the army, instead of obedience, came thither again, and by the interposition of some treacherous people got the city surrendered to them: whereupon they marched through it in triumph with laurels in their hats, and came to Westminster, bringing with them the two speakers, and some other members of their party, who had run away from the parliament, pretending fear, though no appearance of it had been in the proceedings of the parliament. Fairfax was declared captain-general of all England, constable of the Tower of London, and commander of all the garrisons, and then they fell to the purging of the house. And besides the forcing the eleven members to flee, seven of the lords were also impeached; and all orders that passed in the absence of the speakers were repealed; yet this was not carried but upon a fortnight's debate. Divers of the city of London, with the mayor and some aldermen, were likewise charged and imprisoned: and

all this was upon a general accusation of their designs to raise a new war.

112 Those in Scotland being advertised by their commissioners of all that passed, failed not to make good use of it, to stir up the affection and duty of all to appear for his majesty; which prevailed generally; and even the ministers begun, both from their pulpits and by their remonstrances, to complain of the prevailings of the sectarian party, and of the force that was put on the king's person. But the old language of the covenant and presbytery was still in their mouths; yet all were pretty forward for a real resentment of the late disorders in England. Only Mr. George Gillespie, who was indeed of good parts, but bold beyond all measure, withstood these inclinations, and represented that the greatest danger to religion was to be feared from the king and the malignant party. He was suspected of correspondence with the sectaries, which some letters in my hand written in cipher give good grounds to believe. Certain it is that he proved a very ill instrument, and marred that great design, by which all former errors might have been corrected. Thus as the duke and his friends' designs began to appear, there was a violent party no less careful to withstand them. Therefore it was not judged fitting the duke should leave Scotland, his service in it being greater than any he could do in England: besides, his being a peer in England made him more obnoxious to their fury than any other Scotchman could be. But his majesty's concessions about religion pinched them much, and the liberty offered to tender consciences did very much disgust the Scottish clergy: for in Scotland a toleration was little less odious than episcopacy, and nothing but presbytery would satisfy them.

113 In the end of August they sent Mr. Lesley to his majesty 320
to represent the state of affairs in Scotland, according to the following instructions:

> You shall shew what endeavours have been used to incense this kingdom against the proceedings of the army under the command of sir Thomas Fairfax: witness George Windram's relation, the declaration of the general assembly, and the voice of the daily cries from the pulpit.

II. You shall represent what industry was used to precipitate a present engagement, upon the grounds of the covenant; and for settling presbyterial government in England, who were the pressers, and who were the opposers of it.

III. You shall shew what pains were taken by the moderate party here, to procure the sending of commissioners to his majesty and the parliament, thereby to procrastinate and delay all resolutions, till their return, or a report from them; which will probably consume the rest of this summer, and for this year prevent a new war, except upon eminent advantage.

IV. You are therefore to represent how necessary it is for preventing prejudices from hence, that a free passage and all other encouragements be given to those who are now to be employed; if that shall be refused, or the law of nations in their persons violated, a breach betwixt the kingdoms cannot be longer prevented.

V. You shall shew, that if it had not been for his majesty's commands to the moderate party here, a Scottish army had ere this time been in England; which so long as his majesty is well used, they are hopeful to prevent, but if his reestablishing be delayed, a greater army than ever Scotland raised will own his quarrel.

VI. You shall shew, that the instructions now given to our commissioners, who treat with the parliament, are only generals; the chief whereof is, that his majesty be again invited to come to London with honour, freedom, and safety; the delay whereof is exceedingly ill taken here; and nothing would give so general satisfaction to this kingdom, nor more stop the mouths of incendiaries, than that his majesty were so at London.

VII. You shall shew, that the message that was to be sent to his majesty was only to represent to him the constant affection of this kingdom, their longings to see him reestablished in his throne, their resolutions never to withdraw themselves from under his government, and their desires to know immediately from himself in what condition he is, since the safety of this kingdom so much depends upon the safety of his person.

VIII. You shall shew, that the disorders in the highlands are now composed, and our army is to be scattered in several quarters through the whole shires of the kingdom.

114 With these instructions my lord Lanerick wrote what follows to his majesty:

Sir,

Since eminent advantages for your majesty's service could not at

this time be procured, but at the old rate of satisfaction in religion and the covenant, our study hath been to prevent prejudices and disservices, wherein our endeavours have not proved unsuccessful, though even in that we met with extraordinary opposition. The particulars will be shewed to your majesty by the bearer, with the 321
humble sense and advice (upon the whole as it now stands in relation to this kingdom) of

Your majesty's most humble,
most faithful, most loyal, and
Edinburgh, most obedient subject and servant,
23d August, 1647. LANERICK.

115 To which his majesty answered:

LANERICK,

I very much like and approve of Robin Lesly's discourse and instructions; but I do not so well understand your letter of the 23d of this month, as not agreeing fully with what Robin hath said and shewn to me; wherefore I have the more reason to desire you to hasten your coming up. In a word, every minute that you stay, it is so much the worse for the affairs of

Hampton-Court, Your most real, constant friend,
29th August, 1647. CHARLES R.

For particulars I refer you to Robin.

116 The king was then so filled with hopes, from assurances given him by the army, that he was out of doubt of getting things carried by treaty, and therefore continued to press Lanerick's coming up. The earl of Lauderdale wrote also to Scotland, that some person of eminence might be sent to concur with him in the great transactions that were coming on; whereupon the lord-chancellor and Lanerick were appointed to go up; upon which a pass was signed by Fairfax, for the earls of Lowdon and Lanerick (according to the desire sent from Scotland) to come and wait upon the king.

117 But their coming up was delayed; the occasion whereof is given in the following letter written by my lord Lanerick to the king; which though I set down in the due style, yet both it and almost all the letters written this year, being in cipher, run in the third person; but, for making the narration smoother, I have presumed to change their phrase a little.

118 Sir,

The difference betwixt Robin's relation and my letter of the 23d of August last I shall easily reconcile when I shall have the happiness to see your majesty, for I can hardly speak truth and sense without running a hazard of making myself useless, and uncapable 322
of speaking at all. Those of the chancellor's friends who were against his being employed at this time, take occasion to press a delay to his and my present going to London, or court, from the two houses their not yet answering a letter the committee here wrote to them, for reparation of the affront done to the earl of Lauderdale, and for assurances to all commissioners employed from this kingdom: so, until a satisfactory answer be returned to that letter, it is alleged that their going will be useless, since (except they be allowed by the two houses) access to your majesty may still be denied them, and so their endeavours to serve you frustrated. This is the rather urged by reason of many informalities in the pass sent them by sir Thomas Fairfax, by which they were only warranted to come to your majesty at Hampton-Court; and if you chance not to be there, it doth not warrant them to wait upon your majesty in any other place; especially since it bears not at all a liberty for them to go to London, where their endeavours probably would be of the greatest use. If the earl of Lauderdale had not been affronted, they would not have desired any assurance at all; but that being unrepaired, (for they are not at all satisfied with sir Thomas Fairfax's answer to the two houses' letter in that particular,) if they shall have occasion to move any thing in your majesty's favours, which shall be disliked by the parliament or army, they may chance to meet with the same or worse usage than Lauderdale did. I was not so scrupulous, but willingly would have hazarded through these (or any) difficulties, being required, as I am, by your majesty to haste thither; but the chancellor's stay would have made my single going (I being only employed to your majesty) useless: yet if it shall be thought fit, and I again commanded to it, want of formalities or passes will not fright me from my duty. In the mean time instructions are this day sent to our commissioners at London, to delay their concurrence in sending the propositions of peace to your majesty till the chancellor's coming; for the committee resolved to adhere to their former instructions, in pressing your majesty's coming to London with honour, freedom, and safety, for confirming so far as you have already granted by your message of the 12th of May last, and there to treat upon the rest of the propositions. Thus begging pardon for this tedious

account, I expect your majesty's further commands, which shall immediately be obeyed by

Your majesty's most humble,
most faithful, and most obedient
subject and servant,
LANERICK.

Edinburgh,
4th September, 1647.

119 His majesty's answer follows:

LANERICK,

You had reason not to come up without the chancellor, but I do not understand why you did both stay; for is this a time for Scotland to vie punctilios of honour with England, and thereby neglect (even almost to loss) the opportunity of redeeming that fault which 323
they committed at Newcastle? Certainly you are not yet in the right way. But seriously I write not this for you, but to you, that others by you might learn more wit. In a word, time is not altogether lost; redeem it for shame, and be not startled at my answer which I gave yesterday to the two houses; for if you truly understand it, I have put you in a right way where before you were wrong: remember the proverb, *Ill bairns are best heard at home.* I say no more, but make what haste you can, with your colleague, to

Your most assured, real, constant friend,
CHARLES R.

120 In the mean while a message was sent from Scotland to the parliament of England for such a full pass as was demanded; which drew on a great debate: for Haslerig, Martin, and others of that cabal argued much against it, saying, why should Lanerick be sent up, who was a known incendiary? and the Latham letter, mentioned in the account of the year 1643, with many other particulars, were remembered. Next, they excepted against it, that by the pass that was demanded it appeared they were to go first to the king, as if they had been to treat without the parliament of England. But old sir Henry Vane took them up sharply for remembering things which were long ago buried; yet the heat was so great, that it was referred to a committee to consider of it, but in end it was granted.

121 All this while the earl of Lauderdale went not near Westminster, because he got not reparation for the affront put on him by the army; but was extremely vexed to see the king

possessed with such a good opinion of the army, and used all the ways he could think of to undeceive him.

122 In the beginning of October the earls of Lowdon and Lanerick came to London; and with them the earl of Lauderdale went to wait on the king, who was then at Hampton-Court; and after they had learned from him the state in which his affairs were, and had expressed the sense and affection of his subjects in Scotland, who judged all their happiness to depend upon his settlement on his throne, they fell upon their treaty with the parliament. But the army was beginning to take off their mask, and change their style: for having now seated themselves in the power, they begun to contrive how to execute what they had always designed, which was, the ruin of the king and the subversion of monarchy. And a new party among them, called *the Levellers,* did avowedly own principles contrary to all order and government, so that there was great ground to apprehend danger to the king's person. My lords of Lowdon, Lauderdale, and Lanerick represented to the king, that if he would give satisfaction in the point of religion, he was master of Scotland on what terms as to other things he would demand: but without that, they feared their design of serving him should meet with 324
great opposition; yet they resolved once to rescue him out of the hands of the army, or to perish in the attempt.

123 A little after this, his majesty being to hunt at Nonsuch, the earls of Lauderdale and Lanerick came thither on pretence of waiting on his majesty, accompanied with fifty horse, which struck no small terror in the little guard that was about the king: whereupon these lords told his majesty, that they were come to rescue him from his captivity, and they, with all these they brought with them, were resolved to die at his feet; wherefore they entreated him to make his escape. But the king told them he had engaged his honour not to leave the army without giving them advertisement, and till he freed himself of that, he would die rather than break his faith. But the leading men of the army were now weary of the king's being with them, and wished to have him in some secure place under a good guard: whereupon they made reports be brought to him that the Levellers were designing against his life. The king therefore called again the earls of

Lauderdale and Lanerick to him some days before his escape, and told them he had freed himself of the engagement he had given not to leave the army: he therefore desired their advice what to do. The earl of Lauderdale said, things being driven to such extremities, it was not safe to give advice; but would his majesty suggest any thing, he would with all candour deliver his opinion about it. The king first spoke of his going to Scotland: the earl of Lauderdale said, that except he resolved to comply with their desires about religion, he might expect no better usage from the church-party there than he had met with at Newcastle. Next, the king moved his going to London: the earl of Lauderdale answered, that formerly that had been a safe course, but now the city was so overawed by the army, that he durst not advise his trusting his person to them; for the tumults there were already great, and would undoubtedly grow upon his coming. The king asked, if he came, was he sure of the Scottish commissioners, that they would stick to him in name of the Scottish nation? The earl of Lauderdale answered, that all of them to a man should wait on him, and own his service at all hazards; but without instructions from Scotland they could do nothing as commissioners, but only in their own names as his subjects; and they had great reason to fear the church-party in Scotland would not own him, nor order them to do it. Next, the king spoke of his going to Berwick; whereupon the earl of Lanerick, who till then had stood silent, begged of his majesty, that for God's sake he would follow that motion: for if he left England, the army would pretend he was deserting his kingdom, and so depose him; but Berwick was a strong place, which at that time lay ungarrisoned, the country about it was generally well affected, and so he might easily get a good garrison to go in with him: and by that means he was near Scotland, for the encouragement of those who resolved to serve him. This was also backed by Lauderdale, and the king seemed fully resolved on it; so they left him. Of this the author had his information from the earl of Lauderdale.

124 A few days after this, his majesty went to the Isle of Wight, and on the 16th of November sent a message to the parliament, which is printed with the rest of the messages, declaring the reason of his going to that place, and inviting 325

them to a treaty. As for religion, he insisted on his judgment about episcopacy, as a government settled by the apostles; but was content it should he limited, so that the bishops should act nothing in ecclesiastical matters without their presbyters, whereby they should be no burden to tender consciences; and that they should be obliged to reside and labour and preach in their dioceses. Besides, he continued his offer for the settlement of presbytery for three years, till things were freely debated and considered, adding a liberty to all tender consciences, except popish recusants. As for the militia, he offered to yield it up to the parliament during his whole reign, and in other particulars insisted on his former concessions: and some days after that, he wrote what follows to my lord Lanerick:

125 LANERICK,

As my coming hither will be variously scanned, so I believe that my message to the two houses will have divers interpretations, for neither of which I mean to make any apology; for honest actions at last will best interpret themselves: only I must observe to you, that what I have sent to London, the end of it is to procure a personal treaty, for which if I have striven to please all interests with all possible equality, (without wronging my conscience,) I hope no reasonable man will blame me. Nor am I so unreasonable as to imagine that this my message can totally content my own party: but for the end of it (a personal treaty) I hope that all the reasonable men on all sides will concur with me, as I expect your Scottish commissioners should do, though I know you must dislike many passages in it. And yet I must tell you, that in substance it differs very little from my message of the 22d of May. This I thought necessary to write to you, that you might assure your fellow-commissioners, that change of place hath not altered my mind from what it was when you last saw me. So I rest

Carisbrook, Your most assured, constant friend,
19th November, 1647. CHARLES R.

P. S.—This is a safe messenger, wherefore you or any other of my friends may write to me by him, desiring much to hear from you.

126 To this letter the three commissioners from Scotland wrote jointly this answer:

MAY IT PLEASE YOUR MAJESTY, 32

Your message left behind you at Hampton-Court gave great

hopes that your majesty was gone to some place where you might be safe and free from your enemies, and where your majesty's friends might have access to you. But as the place to which you are gone, so your majesty's message of the 16th hath infinitely disabled us to serve you; for what you offer in matter of religion comes far short of your majesty's message of the 12th of May: besides, it grants a full toleration of heresy and schism for ever. And as for your concessions in things civil, more is granted than was expected by some or wished by others: and although we know not how effectual your majesty's message may prove for a personal treaty, yet our endeavours shall be really contributed for that end, as we have done in part already. If this message be rejected, a personal treaty denied, the new propositions pressed by the two houses, and your majesty in no better security than formerly, you would advise us in time what to do, and wherein we can be useful to your majesty, who are resolved to serve you as becomes

Your majesty's most humble,
most faithful, most loyal
subjects and servants,

22d Novemb. 1647. LOWDON, LAUDERDALE, LANERICK.

127 Next day his majesty wrote what follows to my lord Lanerick:

LANERICK,

I wonder to hear (if that be true) that some of my friends should say, that my going to Jersey had much more furthered my personal treaty than my coming hither, for which as I see no colour of reason, so I had not been here if I had thought that fancy true, or had not been secured of a personal treaty, of which I neither do, nor, I hope, shall repent; for I am daily more and more satisfied with this governor, and find these islanders very good, peaceable, and quiet people. This encouragement I have thought not unfit for you to receive, hoping at least it may do good upon others, though needless to you, from

Your most assured, real,
faithful, constant friend,

Carisbrook,
23d Nov. 1647. CHARLES R.

128 But in the end of November the two houses passed the four 327
bills without the consent of the Scottish commissioners, which was a manifest breach of treaty. In them the covenant was not so much as mentioned, for they related wholly to civil matters, as, the perpetual power of the militia, the unlimited

authority of parliament, and in effect the giving up at once the king's authority. But the Scottish commissioners complained and remonstrated against this with open mouth, and gave in a large remonstrance against the four bills; declaring, that, contrary to all the former treaties and declarations, the propositions made to his majesty were still altered, the propositions sent to Newcastle, to which, notwithstanding their dislike of them, yet for peace sake they had yielded, were now quite changed. They also protested, first, against the sending of propositions without a previous treaty, which they earnestly pressed, as the likeliest course for removing all mistakes, and bringing things to a final settlement; and therefore they insisted on their former desires for a personal treaty in or about London. Next, they excepted against the bills, both because the covenant was quite omitted, and the settling of the uniformity of religion was turned to a desire for a vast toleration. The treaties with Scotland were not desired to be confirmed, but only the making of them to be approved, which was rather an indemnity for making them than a confirmation of them. Next, they remonstrated, that the king's legislative power was quite taken away by an unlimited power they desired to be put in the hands of the two houses, and that their demand about the militia did put the king out of a capacity of protecting his subjects. In fine, they complained of the making propositions without the concurrence of the Scottish commissioners; wherefore they remonstrated against the bill, and resolved to follow the commissioners, whom the two houses were to send to Wight, and protest against these bills: upon which divers papers passed betwixt the two houses and them.

129 The earls of Lowdon, Lauderdale, and Lanerick wrote their sense of these bills to his majesty thus:

May it please your Majesty,

It is of no advantage to expostulate about what is past, either the carrying your majesty into that sad place, or the prejudice your service and we suffer by your majesty's message; for while you study to satisfy all, you satisfy no interest.

We shall insist on the grounds we went on at Hampton-Court, and shall constantly press a personal treaty at London: but not as the new propositions do hold forth, which if your majesty agrees to,

you divest yourself and your posterity of the militia for ever; you settle this army (and entertainment for it) over yourself and your majesty's people perpetually; and by giving leave to adjournment, you and your parliament shall be carried about at the army's pleasure, as their sub-committee. If your majesty will further enable us, we shall by our actions give more real testimonies how entirely we are

Your majesty's most humble,
most faithful, and most loyal
subjects and servants,

25th November, 1647. LOWDON, LAUDERDALE, LANERICK.

130 With this, Lanerick sent to his majesty the papers they 328
gave in against the bills, and the other late votes; upon which the king wrote the following letter:

LANERICK,

Albeit that letters can ill dispute at this distance, yet I cannot but tell you that many things may be fitly offered to obtain a treaty that may be altered when one comes to treat; and there is a great difference betwixt what I will insist on and what I will permit for the obtaining of a peace. Likewise it is necessary in many respects that I should seek to satisfy (as far as I can with conscience and honour) all chief interests. All these things impartially and duly considered, I will boldly say, my message will not be found much amiss; which recommending to your better consideration, I must now desire you to give hearty thanks in my name to your fellow-commissioners (of which though you take a large share to yourself, they will not want) for their paper of the 17th of this month, which was sent to the two houses: for seriously it is as full to my sense as if I had penned it myself. And let me tell you, that it will turn to the greatest honour (I say no more) that ever befell you; wherefore I conjure you, by all that is dear to wise or honest men, that you adhere close and constantly to it; and, as the song says, *I ask no more*. So I rest

Carisbrook, Your most assured, faithful, real friend,
29th November, 1647. CHARLES R.

131 To which, with another of that date which his majesty wrote to the three lords, which is not in the writer's hands, they wrote the following answers:

SIR,

In answer to your majesty's of the 29th of November we shall

first humbly acknowledge your favour, by conferring so great a trust on us, and do engage ourselves to the exactest secrecy. As for a personal treaty, we are resolved still to insist on it, and that London may be the place: but as to your coming hither in person, your majesty not having signified to us your resolution of declaring or concealing your being here, or upon what assurance of safety you can do either as affairs now stand, we dare not presume to give a positive advice herein; but leave it to God's direction, and your wisdom, though we wish from our souls you were out of those hands you are now again in. And albeit we can no ways join with your majesty's message, yet whatever success our endeavours for a personal treaty shall have, or what place soever your majesty puts yourself into, you may be confident that you shall still have the reallest assurance and faithfullest services of

Your majesty's most humble, most faithful,
and most loyal subjects and servants,

1*st Dec.* 1647. LOWDON, LAUDERDALE, LANERICK.

132 SIR, 329

Just now we received your last of the 29th of November. The first of that date we answered by James Cunningham, and can now say no more as to your coming to London than we did by him: for though nothing is so much wished by us, as your being out of their power in whose hands you have put yourself, yet we know not in what safety your person could be here at London, considering the present temper of the two houses, the distempers of the army, and the irresolution of the city. But not knowing what grounds your majesty goes upon, we cannot judge of that design: yet since you are pleased to command us to offer our sense of a better if we approve not of this, we shall presume to propose to your majesty your town of Berwick, as a place both of safety to your person, and of advantage for prosecuting your ends of peace, whether by a treaty, or otherwise of restoring yourself to your power, and your people to their former happiness. The prejudice of abandoning your kingdom of England (while your parliament is sitting) will thereby be evited: your friends, whether at home or abroad, will have free access unto you; and if you shall think fit to make use of the affections of your Scottish subjects, you already know upon what terms you can engage them, either to restore you or fall with you. And as to the safety of your person, besides the affection of these northern places, (which is very great,) and the strength of the place itself, (which upon your arrival with a few of your English friends may be possessed by you,) Scotland hath not only 1200 horse now together upon the borders, but

will be ready to employ their whole power for your personal preservation in case of danger. If your majesty approves of this motion, you will think upon the best, speediest, and safest way of executing it; and either in this, or what else you command, we will constantly shew ourselves

Your majesty's most humble,
most faithful, and most loyal
subjects and servants,

Dec. 4. 1647. LOWDON, LAUDERDALE, LANERICK.

133 On the 6th of December his majesty sent a new message to the two houses, with which he wrote to the Scottish commissioners.

As I heartily thank you for your freedom, thereby perceiving your hearty endeavours for my recovery; for there are so many particulars, that I cannot at this time give you a positive answer, but shall within few days. In the mean time I earnestly desire you to use your uttermost endeavours for procuring a personal treaty, which for the present will be the most acceptable service you can do to

Your most assured, real,
constant friend,
CHARLES R.

P. S.—I have sent you a copy of a new message (here enclosed) 330
to the two houses, not doubting but you will second it; also desiring you speedily to advertise me of any resolution that shall be taken to my disadvantage by the houses: and of this I pray you be very watchful.

134 The message being among the printed messages is not inserted here, the reader being referred to that collection. The substance of it was, an expostulating that no return had been made to his last message, notwithstanding which his majesty's constant tenderness to the welfare of his subjects, and the sad condition they were now driven to, did so far prevail upon him, that he vehemently pressed a personal treaty as the best means of peace: so that the blame of retarding so great a work must fall somewhere else than on his majesty, who, as he had already offered to divest himself of much of his authority, so he did not doubt, but if they met him with the same resolutions with which he would meet them, the kingdom should at last enjoy the blessings of a long-wished peace.

135 At this time the two houses were designing to make his

majesty a close prisoner, of which the Scottish lords gave the king notice in the following letter:

Sir,

We are this day certainly informed that the committee appointed for your majesty's papers (whereof Mr. Lyle of the Isle of Wight hath the charge, and whereof Mr. Martin Scot and that cabal are members) have resolved that present order should be given for making your majesty a close prisoner, and to remove Ashburnham, Berkeley, and Leg from you, and commit them to close prison, with resolutions to proceed to extremities against your majesty's person. The knowledge of this came to us from Jack Denham: besides, a member of that committee this day assured my lady Carlisle, that within twenty-four hours your majesty would be a close prisoner. And to our certain knowledge there are debates amongst the eminent persons by one mean or other to destroy your majesty's person; and consultations have been here and in the armies for this effect. Our information comes from some who were present at both: we could not be at quiet till we had advertised your majesty of this, nor can we propose any better remedy than we did express by Andrew Cole. If your majesty does not resolve and act speedily, we fear our endeavours to serve you will be too late, which would be the greatest affliction could come to

Your majesty's most humble,
most faithful, and most loyal
subjects and servants,

8th Decemb. 1647. Lowdon, Lauderdale, Lanerick.

P. S.—Jack Denham's intelligence is from the clerk of the committee.

136 At this time the earl of Traquair came to wait on the king, 331
and gave him great hopes of the fidelity of some of the most rigid of the church-party in Scotland. He was sent by his majesty to the Scottish commissioners with the following letters:

The coming of Traquair hath much eased the pains which otherwise I must have taken in performance of that promise I made you in my last letter by And. Cole; but I care not so much for the saving of my labour, as the inevitable loss of so much precious time which must have been spent had I written so long a discourse as that promise required: wherefore I have freely and fully imparted my mind to Traquair, as well concerning your propositions to me, as the making

of some from me to you. Having no more to say, but to desire you to give an entire belief, a willing ear, and a speedy answer to what he shall impart to you, I am

Your most assured, real,
constant friend,
CHARLES R.

Carisbrook, 8th Decemb. 1647.

LANERICK,

Notwithstanding my joint letter, I think it most fit to write to you alone, to assure you that (if I have any judgment) Traquair is right set for my service; wherefore in a most special way I recommend him to you, to whom referring you, I rest

Your most assured, real,
faithful, constant friend,
CHARLES R.

Carisbrook, December 8th, 1647.

137 The message trusted to Traquair was, that as to matters of religion his majesty was unmovable; but as for other things, wherein the honour or interest of Scotland might be concerned, he was ready to give them the greatest and fullest concessions that could be demanded: in answer to which the three commissioners wrote what follows to his majesty:

SIR,

We have heard Traquair's relation, whom last night we had despatched to your majesty with our sense upon all the particulars; but this morning he hath conceived his going at this time unfit, which forceth us upon this tedious way. And the receipt of your majesty's of the 11th instant makes us the more earnestly beg that you would not suffer us longer to walk in the dark, but give us under your royal hand an assurance that you will perform what is contained in that paper concerning religion; and withal insert what you have scraped 332
out of the paper which we gave your majesty at Hampton-Court: and we shall oblige ourselves to endeavour that Scotland shall engage themselves for your restauration and civil interests, as was expressed in those papers. Without this assistance we are absolutely unable to serve your majesty; and although Doctor Goff shewed us your unwillingness to allow of that clause concerning the covenant, yet we should but abuse your majesty if we gave you the least hopes that Scotland would be engaged at an easier rate: therefore we again beseech your majesty to haste to us your clear and positive answer, lest we forfeit our trust with those that sent us hither, and you (which to us would be more bitter) perish by delays. Our informations concerning the restraint intended to be put upon your majesty's

person, and some of those with you, are still confirmed; therefore your majesty would speedily resolve to satisfy Scotland, and engage their power for your assistance. Concerning the duke of York, there is nothing we desire with more earnestness than to serve your majesty in what you would have done; but being public ministers, we cannot be the actors of it without absolutely disabling us to do your majesty any other service; and none else will engage in a matter of this nature upon any desire from us without a positive command from your majesty: therefore if you continue in that resolution, we conceive it fit you make choice of some such trusty person as your majesty would employ in acting of it, and that you write to him for that effect, without taking any notice of us at all in your letter to him. We pray the Lord to preserve and direct you, who are unchangeably

Your majesty's most humble,
most faithful, and most loyal
subjects and servants,
LOWDON, LAUDERDALE, LANERICK.

13th December, 1647.

138 After this his majesty wrote these letters to the Scottish lords:

Though no time hath been nor shall be lost for my going from hence; yet, contrary to expectation, it will be ten days before the ship can be ready. And I confess that this had been too late, if the governor would have permitted forces in hither; wherefore I am most confident that I shall not be surprised for time. And therefore I earnestly desire all you three (or at least one of you) to come hither without delay, for the full conclusion of all things betwixt us; for upon second thoughts I judge it less dangerous to go to London than to any place else, except I were totally accorded with you. To conclude, if you will not counsel me to go to London, without being publicly invited, make haste hither, as you love his service who is

Your most assured, real,
constant friend,
CHARLES R.

Carisbrook, 14th Decemb. 1647.

Time was never more precious to any than it is at present to me, 333
and therefore I am glad to take occasion upon doctor Goff's long despatch (which I received yesternight after I had written to you) to return you by him such a draught of articles betwixt us, as your signing it will make your journey hither unnecessary: and I am to take what course you will propose in order to my safety. I am con-

fident the necessity of this accord in divers respects is so well known to you that all arguments are needless. Also I hope that the particulars are so well worded, that you will make no difficulty to pass them as they are: but if, contrary to my expectation, you should scruple at any expression, then necessarily all, or at least one of you, must come hither with all expedition. So, desiring you to believe what doctor Goff will say to you in my name, I rest

Carisbrook, Your most assured, real, constant friend,
15th Decemb. 1647. CHARLES R.

139 With this last doctor Goff brought a full account of his majesty's thoughts: but the Scottish commissioners finding it impossible to adjust matters (which were of such importance) without waiting on his majesty, resolved to go to the Isle of Wight.

140 And that their going might give less jealousy, they resolved to go after the commissioners whom the two houses were sending with the four bills, that they might protest against them.

141 At this time the marquis of Huntley being in arms in Scotland, and not able to resist the forces that came against him, was taken prisoner; which his majesty understanding, he expressed his concern for him in the following letter he wrote to Lanerick about him:

LANERICK,

Hearing that the marquis of Huntley is taken, and knowing the danger that he is in, I both strictly command you as a master, and earnestly desire you as a friend, that you will deal effectually with all those whom you may have any interest in, for the saving of his life. It were, I know, lost time to use arguments to you for this; wherefore I judge these lines necessary to add to your power, though not to your willingness, to do this most acceptable service for

Carisbrook, Your most assured, real, constant friend,
17th Decemb. 1647. CHARLES R.

142 About this time the queen wrote to my lord Lanerick: 334

COUSIN,

You will perceive by this that you cannot make more haste in obliging me than I shall on my part in witnessing my acknowledgments of it. I ascribe a great deal of the good inclinations your

commissioners do now express, to the good offices you do, of which I entreat the continuance. The testimonies of friendship which I receive from those of your family, surprise me less than what I meet with from other hands, and I promise myself to see further effects of it. And as I have all the esteem of you that you can expect, so you owe me the justice of believing, that I shall give evidence of it upon every occasion that shall be offered to me: nor shall I rest satisfied with that, but shall diligently search out every opportunity of expressing it. Therefore I entreat you to believe that I am,

Cousin,

Your very good and very
affectionate friend and cousin,
HENRIETTA MARIA R.

143 Towards the end of December the earls of Lowdon, Lauderdale, and Lanerick followed the English commissioners to the Isle of Wight: and after they had protested against the bills, they concluded their treaty with his majesty, to engage for his rescue, and reestablishment on his throne, and to bring in an army into England, as soon as it were possible for that effect. The king, on the other hand, engaged to them for all the assistance they could demand from the queen or prince, or any other who would obey his authority; and that the prince should come to Scotland as soon as they found it convenient to invite him; and that his majesty should grant all the desires of Scotland which with a good conscience he could grant. And the commissioners having advised and agreed with his majesty, both about the methods of carrying on their designs, and the ways of keeping correspondence with him, they resolved to return home to Scotland: and so they left his majesty at Wight in the end of the year.

144 But upon the king's refusing to pass the bills, he was made close prisoner; and a vote passed in both houses against all further addresses to him.

MEMOIRS

OF THE

LIFE AND ACTIONS

OF

JAMES DUKE OF HAMILTON.

BOOK VI.

Of the duke's engagement for the king's preservation, and what followed till his death.

ANNO 1648.

THE former book has given the reader a just and full representation of his majesty's imprisonment, and the danger his person was in; of the force put on the two houses by the army, and of the breach of former treaties with the Scottish nation: and now it cannot but be imagined that such illegal and unjust proceedings must have inflamed the resentments of all good subjects, and more signally of such who had formerly been carried away in the crowd to act against the king's interests, but now, seeing how fatal the breach between the king and his people was likely to prove to both, were much concerned to correct all former errors, and expiate all past faults by a vigorous appearance for the king's rescue out of his imprisonment. In order to this design the duke was not idle in Scotland, but by all the art and diligence he was master of, did study to rouse up and work upon the fidelity and loyalty of that nation; representing, that now an occasion was in their hands to witness to the world the sincerity of their intentions for their king, when he was under so base a restraint, and designs were hatching against his life. Would

they now look on and see the king murdered, the parliament of England overawed, the city of London oppressed, the whole English nation enslaved, the treaties with Scotland so 336
unworthily violated, the covenant and religion so neglected, and swarms of sectaries overrun all? Now or never was the time for declaring themselves; and if duty did not move them, yet the apprehension of their own danger might provoke them to look to themselves; for did they think to escape the fury of the sectaries, if they were so tame as to suffer them to prevail in England? Therefore all laws, divine and human, did oblige them to look to themselves, and to those enemies of theirs. And there was good reason to hope for success, since besides the blessing of God, which might be expected upon so just and noble enterprises, the people of England were groaning under this usurpation, and would be ready to assist them: and they had reason to expect a welcome from the city of London and the better part of the two houses. These things did prevail much on the most of the nobility and gentry.

2 But at this time three parties begun to appear in Scotland. The one was of those who would hear of no proposition for the king's delivery, unless he first gave satisfaction in matters of religion: and this was made up of the preachers, and a few of the nobility, and the western counties. Others were for a direct owning of the king's quarrel without any restrictions; and for taking all persons who had been in arms for the king's service within it. The earls of Traquair and Calendar were the chief of these, and many noblemen were of it, who called themselves the king's party: but their power in the country was not great. The duke was as much for that in his thoughts as any of them, but saw it impossible to effectuate the king's business at that rate; and therefore judged it best to go on in so great a design by degrees.

3 The present strait was that he first looked to, which was the rescue of the king's person; and he doubted not, if they once got a good army engaged upon that account, though all were at first clogged with many severe restrictions, yet it would be easy afterwards to carry things that were not to be then spoken of: and this way took with almost the whole gentry of Scotland.

4 The Scottish commissioners spent much of the month of January at London, establishing a good correspondence with the king's friends in England: and they had letters from St. German's in France, in which the queen and prince undertook to make good to them all that had been promised by the king in their name. And in the commissions the prince gave to sir Marmaduke Langdale and others, for levying of forces in the north of England, he commanded them to receive their orders from the earls of Lauderdale and Lanerick, and follow their commands. Thus having laid down the best methods they could think of with their friends in England, they set out for Scotland about the end of January.

5 At their coming to Scotland they found a general dissatisfaction with the king's message (in November) about religion. And though all the duke's friends were ready to have hazarded their lives for his majesty's preservation, on these or on easier terms, yet it was long debated amongst them, what the consequences might be of engaging in so great a work, not only without unanimity, but with the opposition of the church, and most of those who had been of greatest eminence and power during the late troubles. Wherefore they resolved to give 337
very extraordinary compliances to their desires, whereby they might either gain their concurrence, or at least mitigate their opposition, and determined to go a greater length than otherwise their loyalties could allow of. But the churchmen, by the insinuations of Mr. Gillespie and others, were possessed with an opinion of their bad intentions, and that their resolutions (if they were blessed with success) were to overturn all that had been formerly established: and so they resolved not to be satisfied with any security or proviso they might grant, believing that nothing they offered was really meant to be kept, and that all they intended was but cajolery; therefore they determined to oppose them with their utmost zeal and industry.

6 A few days after the three lords returned to Scotland the following letter came to them from his majesty:

Upon Saturday I received yours of the twenty-fourth of January, and have written to Lee as you desired. Let no reports of any personal threatening against me stagger your confidence of my constancy, nor hinder Scotland in what shall be best for kingly au-

thority: lose no time in your great and honest designs for him who is

Your most assured, real, constant friend,

Monday, 7th February, 1648. CHARLES R.

P. S.—I resolve within these two or three days to write to you by a trusty messenger, however I hope not to fail by these ways you mention.

7 To which they returned the following answer:

MAY IT PLEASE YOUR MAJESTY,

This day we received your majesty's of the 7th instant: your letter to Lee we hope may be useful. Our resolution to serve your majesty cannot be shaken, with which we will go through or perish. The clergy cannot be satisfied with what your majesty offers in religion, for the reason expressed in our last of the 15th, yet we hope to engage them in the work. We wish your majesty could further enable us in that particular, as the only mean to procure unanimity. In the mean time we will set up our rest on the procuring a speedy engagement, though without that we cannot do it so much to your majesty's advantage. Sir Marmaduke Langdale is come hither, and our first care shall be to secure Berwick and Carlisle, which ere this we had done, if our forces had not been at too great a distance scattered in their quarters. They have now orders in private to draw together, and we intend to act and speak both at a time.

P. S.—We want arms and ammunition exceedingly, and do 338
earnestly desire the queen may be pleased to endeavour the supplying us from France and Holland speedily.

8 The lord-chancellor (though at first the most forward of them all for an engagement, yet) was quickly wrought upon to abandon his generous resolutions; and not only turned over to the violent church-party, but some months after was made do penance by a solemn acknowledgment in the high-church of Edinburgh, for his sinful compliance with these *unlawful courses*, as they were termed. Traquair played his old game a great while with both hands, and studied to make a reconciliation with some lords of the church-party, if by any means they could have been engaged in the design: and Mr. Murray of the bedchamber, who was sent to Scotland from France, treated also long with the heads of the church-party, whom he thought more powerful in the country, and so more

able to deliver the king; but finding them so backward, without positive concessions about religion and the covenant, he and the rest of these called *the king's party* were forced to unite with the duke and his friends.

9 The first thing was to engage all the officers of the little army then standing, which was carried very successfully; and their next care was to fix on one to command. Those who united for engaging in the king's quarrel, designed that David Lesley, now lord Newark, should command the army to be raised; and he at first undertook the service very cordially: but some of the churchmen fell upon him very furiously, and prevailed so far on others who had a great ascendant over him, that he, being of an easy nature, struck off, and refused the service. Whereupon finding it necessary that a person of eminence and integrity should command the army, they resolved on making the duke general, which he opposed to a high degree; saying, that he was resolved to hazard his life with the first, yet he would decline all command, knowing with what calumnies he had been aspersed, and what jealousies many had still of him, as if his designs were for himself, and to the king's prejudice. And many yet alive, with whom he lived in the greatest confidence, know with what earnestness he pressed them to set their eye on some other person; but there were none to choose fit for the trust, wherefore it was agreed by them all that the charge must be laid on him, to which he submitted with great aversion.

10 In the beginning of March the parliament sat. Their first trouble was from the remonstrance, which the commission of the kirk sent them against association with malignants, and of the danger religion was in; which paper they intended to have printed, but with much difficulty this was stopped.

11 There were commissioners sent down from the two houses (with whom Mr. Stephen Marshal came) for justifying their proceedings, and keeping a good correspondence with the Scottish nation: and notwithstanding all the injuries done by them last year, yet some of the clergy, and of the lords of their party, were in a very good understanding with them. But first of all the carriage of the Scottish commissioners in England was approved in parliament; next, there was a com- 339
mittee of eighteen appointed for preparing business, and to

confer with the commissioners of the kirk, for giving them satisfaction; which was a long and slow work.

12 On the 14th of March the English commissioners complained that they heard there were designs among some malignants to seize Berwick, which they desired these in Scotland would oppose; whereupon the parliament referred it to the committee of eighteen to see to the security of the kingdom in that affair, from which all the members, who were of the church-party, dissented: and against this vote the commissioners of the kirk sent in another remonstrance, because they knew that committee was so chosen that they would send orders for the securing of Berwick.

13 On the 22d of March the committee of the general assembly, commonly called *the commission of the kirk*, gave in their large paper consisting of a long preamble and eight articles:

The first was, that before they went on to a war, the grounds and causes of it might be well cleared. Secondly, that the alleged breaches of the covenant and treaties might be condescended upon, and reparation of them first sought. Thirdly, that there might be no such grounds of war, as might break the union of the two kingdoms, and disoblige the presbyterians of England. Fourthly, that none of the disaffected or malignant party might be admitted to trust, but on the contrary, that they should be opposed and suppressed. Fifthly, that the king's late concessions might be declared unsatisfactory. Sixthly, that they should engage not to restore his majesty to the exercise of his royal power, till he should by oath bind himself and his successors to consent to acts of parliament for confirming the league and covenant, and settling presbytery, the directory, and the confession of faith. Seventhly, that none might be trusted, but such as were of known integrity and good affection to the cause. Eighthly, that the church might have the same interest in carrying on this engagement which they had in the solemn league and covenant.

14 These demands run in so high a strain, that those of the church-party judged either they would be rejected, and so the church would pretend somewhat for their breaking with the parliament; or if they were yielded to, it would so alienate the hearts of the king and all his friends in England from them, that they would hate them as much as they did the English parliament or army. The committee of parlia-

ment found the strait they were in, and saw what an unhappy practice it had been to give the churchmen so great an interest in civil affairs. Some were for brisker courses, and for clapping up in prison all the more turbulent ministers; but the duke apprehended great trouble from that, fearing it should raise stirs among the people, which might retard the design of the king's delivery, upon which all his thoughts were bent.

15 The hazard of intercepting letters made the intercourse by them so slow, that the lords that corresponded with his majesty had no return from him before the beginning of April; and then they got that which follows:

I was as glad to see the constancy of your resolutions as I was sorry 340
to understand the great opposition you find in your undertakings. But as for any enlargement concerning church affairs, I desire you not to expect it from me, for such expectations have been a great cause of this my present condition, which, I assure you, I am still resolved rather to suffer than to wrong my conscience or honour; which I must do, if I enlarge myself any thing in those points. But I take very well the freedom of your advice, because I see it flows from your affection, being also confident that you will cheerfully and resolutely go on according to your engagements to me, who am

Your most assured, real, constant friend,

17*th March*, 1648. CHARLES R.

16 And to this the earls of Lauderdale and Lanerick wrote the following answers:

SIR,

We have received your majesty's of the 17th of March. Nothing but the cruel slowness of proceedings here would have made us so long silent, and that was occasioned by the great opposition we have met with from the ministers, and the rigid persons, who strongly pretend your majesty's not satisfying in matters of religion: and upon these grounds have gained upon many, and obstructed any engagement. Yet we, and those we have interest in, are so sensible of our duties, our honour, and of your majesty's sad condition, (which goes nearer our hearts than any earthly thing,) that although an engagement upon the terms we parted on be impossible, yet we shall either procure Scotland's undertaking for your majesty's person, or perish, let the hazard or opposition be what it can. We can boldly say we have the major vote of the parliament clear, and if we

were blest with your majesty's presence the work were done. We dare not presume in this troublesome way to express the particulars of our difficulties or resolution, but hope shortly to give a more satisfactory account, having vowed to live and die

Your majesty's most humble,
most faithful, and most loyal
subjects and servants,

22d March, 1648. LAUDERDALE, LANERICK.

17 Lanerick also wrote what follows, taken from an imperfect copy under his hand:

SIR, 341

I have been long silent, and possibly should have been so a little longer, had I not received your majesty's of the 17th of the last month; but lest I be involved in other men's guilt, I must first speak and then perish, or do my duty. Sir, at our first returning to Scotland, we met with a general dissatisfaction with what you offered concerning religion from the ministers and their party; though all I have interest in would have cheerfully hazarded their lives for your majesty's preservation upon these or easier terms: but after long debate upon the consequences of engaging in so great a work, not only without unanimity, but with the opposition of the church, and most of those who have been of greatest eminence and power during these late troubles, this moved us to a willingness for a very extraordinary compliance with their desires, providing we might be assured of an engagement. But now when we have gone a greater length than even our loyalty can allow us, we find that nothing is intended by them, but either a conjunction with those that seek your ruin, or at least a dull and stupid suffering and enduring of those destructive resolutions to religion and government, which are now designed by the enemies of God and your majesty.

18 After this there was a new committee of twenty-four chosen by the parliament for a conference with the twelve commissioners of the kirk, who had many meetings with them, and gave them satisfaction to all their demands, so that all back-doors were shut, and they were ashamed that they had asked no more; wherefore, being driven from all their pretences, they fled to the last starting-hole of jealousy, and said that their designs were contrary to their professions. This was a tedious affair, and cost many conferences. In end, great offers were made to satisfy the church-party, but nothing did pre-

vail; whereupon the committee drew up a large declaration of all the violations of the covenant and treaties made by the two houses, together with an account of their own intentions, suitable to the propositions made by the ministers; only they stood much upon the sixth article, that seemed most contrary to their duty to their sovereign, and it took them up many days; at length they yielded even to that: but for this the reader is referred to the declaration printed with the acts of that parliament.

19 On the 25th of April the great business was carried of putting the kingdom into a posture of defence; but the account of the procedure of the parliament in this matter shall be set down from some of the earl of Lanerick's letters, which the writer chooses rather to insert than any discourse of his own. The first was written to a friend at London, but to whom it appears not.

20 I had given you an account of the condition of affairs here long ere now, had I known how to have addressed my letters; and however this be an uncertain way, yet because possibly it may come to your hands, first, I shall acknowledge the receipt of yours the of the last month, which I have in part obeyed, and to that end have written to Ireland, to those I have interest in; and I am confident that our army there will follow our advice in order to the king's service: but our difficulties here are greater than you can imagine; for the same disloyal spirit that hath governed these years past is yet so powerful as to obstruct, though I hope they shall not be able to destroy, our designs of serving the king; and the same instruments the devil hath hitherto made use of are still the rigid opposers of all 342
dutiful motions. Many amongst us pretend to loyalty, but have such faint hearts, and love their fortunes so well, that they dare not act where there is danger: others have both courage and affection, but their ambition will not allow them to act if they be not absolute; and they have no power of themselves, without a conjunction with some of greater eminence than themselves. Thus while we are tearing ourselves in pieces through factions and self-interests, *perit Saguntum*, our king is forgot; and may God forget them that do so! But though the chancellor hath made a foul defection, and these that pretend affection to the king are not so united as they ought to be; yet I despair not but that with God's assistance, in despite of all opposition, we will force an engagement or perish. I cannot descend to the particulars,

only this I will assure you, that all you have interest in are entirely right and resolute. Adieu.

21 The next of Lanerick's letters that are in the writer's hands was to his majesty, dated the 13th of April, 1648.

Our last was of the fourth of this month, to be conveyed to you by doctor Frazer. In it we did shew you in general, what extraordinary opposition we met with here in our desires to serve you, but some of them we are now got over: for to-morrow it will be resolved that the kingdom shall be presently put in a posture, and the whole forces, or such parts of them as shall be appointed, are to be ordered to be ready to march when they shall be required; and while this is doing, we have voted the sending of three demands to the parliament of England, having found all the articles of the covenant, and divers of the treaties, highly violated. The first is concerning religion, wherein we are very high and full, knowing it will be refused, and we thereby obliged to resent it: besides, our design is rather to fix the denial thereof on them than on your majesty. The second is, that your majesty may come to some of your houses in or near London, with honour, freedom, and safety, where the parliaments of both kingdoms may make their applications to your majesty for obtaining a well-grounded peace. The third is, that the present army under the lord Fairfax be disbanded, to the end that all the faithful members of both houses may with safety return to attend their charges, the parliament may sit and vote in freedom, both kingdoms, without their interposition, may make their addresses to your majesty, and the settlement of religion and a common peace be no longer hindered nor obstructed. These demands are to be sent by a messenger, who is to have a few days limited him for his return. We are forced to move by these steps, which certainly will either speedily procure your majesty's freedom or an engagement. Our opposition from the ministers doth still continue; but many, formerly of their party, are ashamed of their unwillingness to all duties, and particularly Balmerino, who is Lauderdale's convert.

By the power of persuasion our army in Ireland hath offered their service to us, which may be of excellent use many ways.

Thus, sir, you have the true condition of affairs: but as we proceed, (which I confess is in a most horrid dull pace,) I shall still presume to give you an account of it as a part of our duty.

Great endeavours are used by some, that we may again send our desires concerning religion to your majesty; for their zeal will not allow them to hazard their lives for your person, who will (as they

say) no sooner be at liberty, than you will destroy all that they have been doing (with the hazard and expense of so much blood and 343
treasure) for religion. But this is as yet waved, and forced concessions (such as certainly those must be while your majesty is in prison) are alleged can bring but small security to religion.

22 The next, of the 18th of April, was to a friend at London.

I had resolved upon eternal silence, since I could not but be wrapped in the guilt of others for their disloyal delays, nor should the receipt of yours of the 10th instant have invited me to have broke that resolution, had not this day's proceedings in parliament revived my languishing hopes. I shall not mention any thing of my last despatch upon Friday by Fisher; but this day we have passed in parliament the great act of putting this kingdom into a posture of defence, under pretence whereof we mean to raise our army: the colonels and committees of war in several counties are to be named on Friday next. Besides this, we have presented to the parliament a large declaration to be emitted to the kingdom, containing the breaches of covenant and treaties, the demands which upon them we mean to make to the houses, and our resolutions in case of a refusal. I confess it is clogged with many impertinences, to which we are necessitated for satisfying nice consciences; yet it drives at a right end. Argyle and the ministers are still uncapable of satisfaction, and with horrid violence oppose all loyal motions: and though the chancellor hath entirely deserted us, and not only joined with them, but endeavours by all means imaginable to divide us among ourselves, yet we are both fixed to our principles and friendships, so that in despite both of apostasy and knavery we carry on the work. I confess it is neither in so quick nor so prudent a way as is fit, and that we have already lost our greatest advantages; yet we can never move so late, but that we will make ourselves considerable. We hear there are strong endeavours to separate his majesty from our interests: I confess we deserve no better from him, yet possibly he may find it not unfit to own us, even though we do not him as we ought. This, I swear, I urge more out of my duty to him than kindness to ourselves.

23 The next was of the 24th of April, 1648.

Since my last to you I have received yours of the 18th and 22nd of the last month. We have made an indifferent good progress in our parliament here, for we have stated all the breaches of covenant and treaties: we have resolved upon some demands to be sent to the houses of parliament, for religion, for his majesty, and for disbanding

of the present army of sectaries; and we have pressed a declaration containing the grounds of our resolutions. In order to all these, we likewise voted the present putting of this kingdom into a posture of war, and this week we are to nominate and make choice of all the officers of our army. The church doth still violently oppose us, and threatens us with cross declarations, if not the extremity of church-censures. Argyle and his party maintain them in their obstinacy, or rather they do him in his disloyalty: but neither the fear of their curses nor want of their prayers can fright us from our duty, so soon as we are ready to act, which possibly may be sooner than you imagine.

24 The next was the 28th of April, to his majesty.

My last to you was of the 13th of this month, by the conveyance of 344
doctor Frazer. Since that time we have perfected what was then designed; for we have made choice of all the officers of our forces, wherein we have been forced to spend much time; and the next week we intend to model our army for England, which we hope shall be upon the borders against the 21st of the next month; which is the time limited for the return of our messenger from London, who this day parts from hence with the three demands to the houses of parliament, whereof my last made mention, and with a positive command to stay only fifteen days for his answer. We intend likewise in the beginning of the next week to despatch sir William Fleming to the queen and prince, to give them an account of our proceedings, and to know his highness's resolution concerning his coming hither, and to desire the present sending of arms and ammunition to us, whereof we are absolutely unprovided; so that if the queen or prince of Orange (to whom we beg your majesty would write) do not supply us, it will infinitely retard the service. We have passed a declaration, which is full of many rude restrictions both in order to your majesty and your faithful servants.

But we are forced to them for the satisfaction of the nice consciences of the clergy and their proselytes, whom we find still so inflexible, that nothing can persuade them to a conjunction with us in the work; on the contrary, we meet with all imaginable opposition from them: yet as we have carried the declaration, and all that is yet done, against their strongest endeavours, so we hope, in despite of them, to be instruments in accomplishing the chief end it drives at, which is your majesty's rest and restauration. Our next will certainly bring you the knowledge of some acting in order to that which we dare not hazard to this cipher, lest there may be more copies of it than what we have with your majesty.

The slowness of their motions in Scotland begun to give great jealousies of their proceedings every where.

25 At Paris, the prince was much courted to go to Ireland, but he resolved rather to go to Scotland, and designed to go first to Holland. Yet there were some about him who studied to give him ill impressions of all that passed in Scotland, grounding them on the old calumnies that had been cast on the duke, and on the slowness of their procedure at that time in Scotland, together with the extraordinary cajolery they gave the church-party: all which were made use of for alienating his highness from that resolution. But he resolved to obey the king's commands, and sent them new assurances of that by sir William Fleming; and to oblige the duke the more, a book being dedicated to his highness, containing some passages much to the duke's dishonour, he refused to accept of it, and ordered it to be called in.

26 While things were thus preparing in Scotland, his majesty in the Isle of Wight was contriving an escape, being resolved if it succeeded to have come to Scotland; but the means failed oftener than once, which being discovered made his prison the straiter. He was also courted underhand with new propositions from the parliament of England, but refused to enter into any treaty without the concurrence of the Scottish nation. Yet it troubled him much to hear no more of the progress of their designs, on which all his hopes were then set; for in that disorderly time, it was not easy to transmit frequent and clear accounts of all that passed. At length 345
having understood from Scotland what advance was made in that affair, he was satisfied with the fidelity of those he had employed there.

27 At London there went various constructions on the Scottish actions. The commissioners of the two houses that were at Edinburgh wrote up, that the church-party would undoubtedly keep the duke and his party in play at least that year, and that the zeal of the ministers would make the levies go slowly on; they either believing this themselves, or at least designing that others should do so. At this time there was a great inclination all over England to shake off the army's arbitrary yoke; stirs were rising in every place. The duke with his other friends in Scotland dealt earnestly with their

correspondents in England, to get all kept quiet till they were ready to march, that so there might be an universal rising at once, which would have undoubtedly divided the army that was against them into so many fractions, as might make way for their easier overthrow. This design was zealously promoted by many, who saw the great advantage it might produce; but many were too jealous of the Scottish designs, and so did precipitate their own ruin. Others apprehended from their declarations that the bondage would be the same, only the masters changed if they prevailed; and this made the king's party resolve rather to perish than receive any help from the Scots on these terms. Their slowness made others despair of their sincerity, and the reports of the power of the church-party made all suspect their strength: so the untimely rising in England was the ruin of this year's design, for they rose only to be destroyed, and to animate the army with those many victories they obtained over them. And as these defeats did much discourage the Scottish army, so it forced them to march into England before they were ready, and ere they had looked well to the security of affairs behind them. The first rising was by Poyer in Wales, to whom Langhorn came within a little, and commanded most of the country.

28 At Westminster, as they understood the state of the Scottish affairs better than the rabble did, so they did more apprehend the danger of it. And first, great pains were taken to reconcile the Presbyterian and Independent parties, at least to unite them against the Scots; wherefore they voted, that the government should be by king, lords, and commons: yet the Independents opposed this, so that it was carried but by forty-five voices. They also appointed that the propositions offered at Newcastle should be the grounds of settling the kingdom, and they voted that it should be lawful, notwithstanding the vote of non-addresses, to make new applications to his majesty. Their design in this was visible, for they hoped the Scots could not pass from these propositions, and they were assured the king would never consent to them, particularly to that of religion, which was so dear to Scotland. But Cromwell was not at all pleased with these votes, and as little with the city: and if the stirs over Eng-

land had not given him other employment, he would have made a journey to London with his army for the purging the house anew.

29 They in Scotland were much straitened with want of ammunition and money, therefore they sent sir William Bellandin to Holland, to see what could be had from the prince of Orange: they likewise sent sir William Fleeming to Paris, 346 to the queen and prince, with the following letters:

May it please your Majesty,

All verbal assurances would justly appear too low and mean testimonies of our fidelity, since actions are now the only touchstones of loyalty; which we hope ere long shall be better than what we can in this common way speak of our real affections to his majesty's service.

We have presumed, from the encouragements we have received from your majesty, to hope the prince's highness will countenance our endeavours for his father's rescue with his presence amongst us, which would certainly give an extraordinary vigour and life to all our motions. For that end, we have instructed this worthy bearer with our humble desires therein to your majesty, and to his highness, and with such other particulars as are necessary for enabling us to carry on the work; to whom we beg your majesty would be pleased to give trust, and further to believe that nothing was ever more absolutely fixed than are our resolutions either to perish or eminently to shew ourselves

Your majesty's most humble,
most faithful, and most obedient
subjects and servants,
Hamilton, Crawford, Roxburgh,
May 1st, 1648. Lauderdale, Lanerick, Calender.

May it please your Highness,

30 The deep sense we have of his majesty's sad condition invites us to these actions of duty and loyalty, to which we are by so many relations and ties bound and obliged; and having divers encouragements from his majesty and from the queen to hope for your highness's presence amongst us, in countenancing our faithful endeavours for his majesty's rescue, we have presumed humbly to address ourselves to your highness, that from yourself we might know your own inclinations, that accordingly such public assurances and invitations may come from hence as your highness shall think fit to require;

being confident that before we can receive your highness's directions herein we shall be in some condition to evidence our loyalties otherwise than by words. So, until we give a more real testimony thereof, we shall only beg to be esteemed of by your highness as persons that have vowed themselves to this service, and who are faithfully

Your highness's most humble,
most faithful, and most
obedient servants,
Hamilton, Crawford, Roxburgh,
May 1st, 1648. Lauderdale, Lanerick, Calender.

31 Next they modelled the army, which will better appear by the following letters to the king:

Sir, 347

You now find the effects of what my last of the 28th of April promised: we are now engaged, and sir Marmaduke Langdale's successful attempt upon Berwick and Carlisle will be resolutely seconded by your servants here. To-morrow sir William Fleeming and Mr. Murray part for France; the last acknowledges the baseness of his new friend Argyle. We hope the prince will now countenance with his presence our endeavours for your majesty's rescue, since the duke of York is escaped, for he will give an extraordinary life and vigour to all our motions. The kirk hath this day declared against our declaration and engagement; but all it hath procured is a vote of thirty thousand foot, and near six thousand horse, which is this day remitted to the consideration of the several bodies, and I hope will pass the house to-morrow.

2d May, 1648.

32 Since my last we are far advanced in our designs of serving your majesty; our new army is modelled, which I hope will be more considerable than any army that ever went out of Scotland; the old general hath laid down his charge, and the duke of Hamilton is to command in chief, who joys to meet with so happy an occasion to vindicate his loyalty. He will be found active in his trust, and seconded by the most gallant and eminent persons of the kingdom; his election was carried very unanimously in parliament, Argyle and only six with him dissenting. Calender, with the same unanimity and the same opposition, is chosen lieutenant-general, and David Lesley lieutenant-general of the horse; but he hath not as yet accepted of his charge. Middleton is appointed major-general of the horse, who is most eminent for his loyalty and forward in this service. Our army will be on foot about the end of the month, and

that the raising of men may the more actively be gone about, we have adjourned the parliament till the first of June. We have sent commissioners with instructions and money to invite our army in Ireland to come and join with us in this service. Our opposition from Argyle and the ministers is still as great as they can make: we are undone for want of arms and a little money; if we be not supplied from France or Holland, this glorious and most hopeful undertaking that ever this nation had, may be in hazard to miscarry. Sir William Fleeming and Mr. Murray went ten days ago for France, and this day we have despatched sir William Bellandin to Holland. We are much dejected because we have not heard from your majesty since the 17th of March, which makes us fear you involve us in the guilt of the by-past deadness and slowness of their motions here: but we take God to witness we are as free thereof as we shall be faithful to the vows we have made of perishing or of serving your majesty in such a loyal and dutiful way as hath been professed by

17th May. Your majesty's &c.

33 The differences that were among the lords were adjusted, and most of the officers were also well named; yet the levies went on dully, though many of the lords were so cordial, that they who had allowance from the public but for eighty horse 348
raised regiments of five or six troops on their own expenses. And though it is not to be imagined that the public expense of so great a design was not likewise great, yet there was a sad want of money; which the duke and his brother did all they could to supply, as far as their credit could go, and raised above two and twenty thousand pounds sterling for prosecuting of the engagement; and were on all public occasions so liberal of their own money, as if some bank had been put into their hands.

34 The curses the ministers thundered against all who joined in this engagement made the soldiers very heartless, being threatened with no less than damnation. This obliged the lords to use force in some places for carrying on their levies: and indeed the ministers counteracting the state was such, that it is hard to judge whether their boldness or the parliament's patience was most to be wondered at. The lords resolved to chastise them to purpose in due time, but judged the present time improper for it; and to carry on the levies the better, the parliament adjourned for three weeks. So the

lords went to the several places of their interests, leaving a committee behind them at Edinburgh; but before their adjournment they wrote the following letter to the presbyteries:

35 The many scandals that are thrown on our actions by the favourers of sectaries, and haters of the person of our king and monarchical government, invite us to this extraordinary address to you, conjuring you, as you will answer the great God, whose servants you are, not to suffer yourselves to be possessed with unjust and undeserved prejudices against us and our proceedings, who have (since our late meeting in parliament) preferred no earthly thing to religion, and the promoving all the ends of our covenant, and have constantly used all real endeavours to have carried on these duties to the satisfaction of the most tender consciences; and especially by our great compliance with the many desires from the commissioners of the general assembly, we have proceeded to greater discoveries of our resolutions in the ways and means of managing of this present service, than possibly in prudence we ought to have done, having so near and active enemies to oppose us: neither can it with any truth or justice in any sort be alleged, that we have in the least measure wronged or violated the least privileges and liberties of the church, or taken upon us the determination or decision of any matters of faith or church-discipline, though we be unjustly charged with making an antecedent judgment in matters of religion, under pretence whereof great encroachments are made on our unquestioned rights; for what can be more civil than to determine what civil duties we ought to pay to our king, or what civil power he ought to be possessed of? and if we meet with obstructions and opposition in carrying on these duties, are not we the only judges thereof? is there any other authority in this kingdom but that of king and parliament, and what flows from them, that can pretend any authoritative power, in the choice of the instruments and managers of our public resolutions? is it a subject for the dispute of church-judicatories whether his majesty have a negative voice or not? These things certainly cannot be pretended to by any kirkman without a great usurpation over the civil magistrate, whereof we are confident the church of Scotland, or any judicatory thereof, will never be guilty, nor fall into the episcopal disease of meddling in civil affairs; and if any 349
have already in these particulars exceeded their bounds, we expect the ensuing general assembly will censure it accordingly, and prevent the vilifying and contemning the authority of parliament by any of their ministers, (either in or out of their pulpits,) who shall offer

to stir up the subjects of this kingdom to disobey, or deny to give civil obedience to their laws, it being expressly prohibited by the 2 and 5 acts of king James the Sixth his eighth parliament, anno 1584, that none of his majesty's subjects, under pain of treason, impugn the authority of parliament. And therefore, seeing the cause is the same for which this kingdom hath done and suffered so much, and that we are resolved to proceed for the preservation and defence of religion before all worldly interest whatsoever, and to carry on sincerely, really, and constantly the covenant and all the ends of it, as you will find by our declaration herewith sent to you, we do confidently expect, that as the ministers of this kingdom have hitherto been most active and exemplary in furthering the former expeditions, so now you will continue in the same zeal to stir up the people, by your preaching and prayers, and all other ways in your calling, to a cheerful obedience to our orders, and engaging in the business; that you will not give so great advantage to the enemies of presbyterial government, and bring so great a scandal on this church, as to oppose the authority of parliament, or obstruct their proceedings in their necessary duties, for the good of religion, honour and happiness of the king and his royal posterity, and the true peace of his dominions.

Edinburgh, *May* 11, 1648.

Signed by order of parliament,
Alex. Gibsone, clerk-regist.

36 The parliament having resolved to raise an army for the king's relief, found it expedient, for increasing the number and strength of their forces, to send to Ireland for a part of their Scottish army there; (which, as was told an. 1642, had been sent from Scotland thither by commission from the king under the great seal, and upon a treaty and establishment betwixt the two nations for suppressing the Irish rebellion;) and for persuading them to desert for so noble an undertaking their interest in Ireland, which was very considerable, (for there was above seven hundred and seventy thousand pound sterling of arrear resting to them, upon a stated account fitted by persons intrusted by the parliament of England, and commissioners from them, preceding the 16th of June 1647, besides a year more, until June 1648, not at all reckoned,) they sent over three of their number, two knights, sir James Macdougal and sir William Cocheran, (now earl of Dundonald,) and Mr. Crawford, burgess of Linlithgow, with letters

and instructions to that purpose. They were kindly received by such of the officers as had chief power there; but most unwelcome to a contrary party, who had notice how averse the kirk, to which they were addicted, had declared themselves from the designs of that parliament; nevertheless it was quickly agreed to, that about twelve hundred horse and two thousand and one hundred foot should be provided and regimented, and transported to Scotland, to be conducted by sir George Monro, in the quality of a major-general, and to be joined with the duke's army.

37 At Westminster they were in great confusion, fearing that 350
the general inclinations over England should prove too hard for them: but Mr. Marshall, who was sent back from the English commissioners in Scotland, comforted them the best he could, giving them all assurance that the designs there would meet with vigorous opposition: wherefore it was moved that some of the forces might be presently sent down, before the army were drawn together, who might hope for good assistance in Scotland. But he also told them, that nothing would be so likely to divide them in Scotland as to declare for the covenant and the propositions sent to Newcastle: and indeed this was much dreaded by the duke and his friends, since there was nothing so popular in Scotland as that the parliament and army of England had fallen from the covenant; but they resolved, though that were granted, to accept of no treaty till the army were presently disbanded, for which the former year's transactions did furnish them with very good reasons. Mr. Marshall did what he could to reconcile the Presbyterians and Independents in London; and that they might not fall out about religion, it was voted that the kingdom should be first settled before religion was fallen upon. The city of London was generally well-affected to the Scottish design, though some studied to alienate them from it, by telling them that those in Scotland were in correspondence with the cavaliers in England. The city was inconstant, and the citizens feared the army's falling on them to plunder them, so that they were easily overawed; and at that time the agitators of the army were upon the fining of the city in a million of English money.

38 A general answer was returned to the Scottish demands by the day they had prefixed, with the promise of a more parti-

cular one to follow shortly; which was looked on as a design to shift them off by delays. At this time the two houses were much lifted up with a defeat given to Langhorn in Wales, which was represented to be greater than indeed it was. But to allay their joy, there came in petitions from many counties of England for a personal treaty with the king, and for being disburdened of the army: one came from Essex, which was subscribed by twenty-four thousand hands; and eight thousand men came out of Surrey with their petition, upon whom the soldiers fell barbarously, and killed about twenty of them, wounding above an hundred. Next, the Kentish men rose in a formidable number; but it was more terrible that the navy was staggering, and many of the captains of the ships declared against their proceedings. This was sad news for London, by reason of their trade, which was like to be blocked up. And now Cromwell, to please the city of London, drew the forces out of it, and left the militia of London in their own hands; only he got Skippon, who was of their own cabal, made major-general of their trained bands: and there was no small disorder in the army, the agitators being for the most part levellers, and against Cromwell, as was by some supposed.

39 With all this tragical visage of things they at Westminster were not a little mortified, so they appointed a day of humiliation; and when they were naming the reasons for the fast, one of the members had a singular opinion, that notwithstanding the self-denying ordinance they had passed, yet they had engrossed all places of power and profit to themselves, by which 351
juggling God was mocked; wherefore he moved that they might divest themselves of these: but the rest were not of his mind. And if three sermons and a great many long prayers would reconcile God to them, they would be at the cost, but were resolved to quit none of their power nor places. All these tumults in England, as they had hindered the two houses from sending down their forces to Scotland; so they called aloud for hasty relief from the Scottish army, which from all places was called for. But the opposition the clergy and their party made had so foreslowed their levies, that they could not overtake this fair opportunity; but were forced to leave the poor people in England to be knocked down by the insulting army.

40 The parliament of Scotland reassembled in June, and after few days sitting, and the emitting of new declarations both for

Scotland and England, but of a milder strain than their former of April had been, (being now weary of their hopeless courting of the clergy,) they adjourned for two years, having chosen a committee of estates sure to their designs; and they were drawing their army together with all possible diligence.

41 But the great matter now debated in Scotland was, whether they should first make all sure at home, or leave things in that disordered posture, and make haste into England. Lanerick was for taking order with the opposite party, and the lords that headed them, before they stirred out of Scotland, lest otherwise, as soon as they were gone, the ministers might blow up the people into sedition, which would either force them to send back a part of their army for curbing them, or lose Scotland totally by their tumults, while their army should be struggling with an uncertainty in England. Besides, they were neither well furnished with arms, ammunition, nor money, but had good assurances of large supplies from the queen and prince, by sir William Fleeming; and the prince (though much dissuaded by these who were both enemies to the Scottish nation in general and the duke in particular) continued still firm to his first resolutions of going to them, when all things were brought to that posture that it were fit for him to hazard himself amongst them: and therefore, in the middle of June, sir William Fleeming was despatched again from his highness to Scotland with the following letter, directed,

42 *For the lord duke Hamilton, and the earls of Lindsay, Roxburgh, Lauderdale, Lanerick, and Calender.*

My Lords,

You will receive by sir William Fleeming, who is amply instructed, the full account of my intentions; and he is not more particularly charged with any thing, than to let you know the sense I have of your affections: yet I thought fit to reserve unto myself the assuring you, that as I conceive I am not capable of being more obliged than I have been by you, so I shall be most exactly just in the discharge 352
of my acknowledgments, when it shall please God to make my condition fit for it. In the mean time I have nothing to say, but to desire you to be entirely confident of it, and that I am most truly,

My Lords,
Your affectionate friend,
Charles R.

Sir William Bellandin met with more opposition in Holland, for judgments were passed on the Scottish proceedings from their declarations, and all he could say was not able to take off those impressions, so that no good was expected from Scotland. The states of Holland had no great inclination to the king's party, and the prince of Orange was at that time much influenced by the duke's enemies; yet Bellandin got many promises made him of a large supply of money and ammunition.

43 Upon these expectations the earl of Lanerick was against a speedy march into England; but this was opposed by the earl of Lauderdale, who pressed a present despatch. They were called upon so earnestly from their friends in England, that to linger still was to lose the king's party there: for now the Kentish men were broken, and some of them had passed over unto Essex, where many rose with them and carried Colchester, and made a good body both of horse and foot, but were not able to hold out long against the army; yet they gave them divers foils. But that of the greatest importance was, that most of the navy had declared for the king, and desired a correspondence with Scotland, and Willoughby, who was made vice-admiral by the prince, was a great friend to the Scottish nation. The earl of Inchiquin also, with his army in Ireland, had declared against the parliament, and sent to Scotland a very kind message for a good understanding with that parliament: and finally, a part of the English army, being much solicited by the church party in Scotland, who complained that they were now exposed by them to ruin, was coming northward under the command of Lambert; and Langdale had written to them, that he could not be able to stand long before Lambert if he were not speedily relieved, and that Carlisle also would be in great hazard: neither was the hazard only the loss of Carlisle, of which they made less account, but the army which was with Langdale, whose wives and children were in Carlisle, did threaten to leave him and capitulate if that place were not preserved. Besides all this, they at Westminster, to temper the general hatred against them, had called back the secluded members of both houses, and were levying new forces, and had voted a personal treaty with the king; at which time also one Osborn avouched that

there were designs against the king's person, and that himself had been solicited to assist in the poisoning him. All these considerations were pressing, and could admit of no delays; wherefore Lauderdale insisted for a present march, and that the duke's carriage might shew it was the king's service, and 353
not a faction, he was designing, nor resentments against these who withstood him in Scotland: for so did Lauderdale mistake Lanerick's advice for curbing of the church-party and punishing their leaders.

44 The duke saw great reason on both sides, and though his own judgment went along with his brother's advice, knowing well it was easy for him to have forced all Scotland very soon into a compliance with their design; (which being once done, he could have marched into England upon greater advantages, and with a far better army;) yet he was content to be overruled, believing that if they were prosperous in England, upon which depended all their hopes, it would be no great work to master any opposition might be made in Scotland. And thus did the unripened forwardness of those in England force the duke on a fatal precipitation of counsels. The resolution was taken, and a general rendezvous appointed to be at Annan, near the borders of England, on the 4th of July.

45 All this while my lord Lanerick had not forgotten the king's commands about the marquis of Huntley, but the ill opinion the churchmen had of them was such, that to have proceeded roundly in that matter would have given greater grounds of jealousy to that party: therefore the junto sent him word to the castle of Edinburgh, where he was then prisoner, that though at that time it was not fit to set him at liberty by an order, yet they were willing he should make his escape, and they offered their assistance for conveying him safe away. But he said he was brought thither by order, and he would not steal out as a thief: and from this fatal stiffness they could not get him removed, yet they resolved to liberate him openly when they should be better able to avow their actions.

46 The opposition the churchmen made to the raising of the army did still retard the levies and discourage the soldiers, though the officers were generally resolute. Some forces were sent westward, under the command of sir James Turner, to keep that country quiet, who found a little authority vigorously

managed did quickly tame some of the most unruly. But at Mauchlin there was a great gathering under the colour of an assembly to a solemn communion, and many went thither armed, pretending hazard from the danger of that time. Turner got notice that an insurrection was designed there, and advertised the duke of it, who ordered Turner not to stir till the earls of Calander and Middleton should come to assist him, who came to Pasely on the Saturday before that communion. They drew out the forces that lay there, consisting of two regiments of foot, and fourteen troops of horse, and marched to Steuarton, where the earl of Glencairn and others of the nobility met them. Some advised a march of the whole forces, others thought a few troops were sufficient for dispersing that multitude; whereupon Middleton was commanded out with six troops, who found them near two thousand strong, horse and foot; but being ill-commanded, they were soon disordered. Middleton and Hurry gave the charge, and were briskly encountered; so that they were made to retreat with the loss of some men, and both Middleton and Hurry got slight wounds: but the party that had given them this rude shock, having cleared a way for themselves, made their retreat. The report of this disorder was brought hot to Calander, who leaving the foot at Kilmarnock, went with the eight troops he 354
had with him to assist Middleton; but upon his appearing all run away. The horse were not pursued, sixty foot soldiers were taken, and five officers, and some ministers, who were all dismissed: only the officers were condemned to die by a council of war, but were afterwards pardoned by Calander.

47 After this, before a general rendezvous was possible, the duke, for animating those of Carlisle, who began to be sore put to it, sent colonel Lockhart with some regiments of horse to lie at Annan, and colonel Turner with five or six regiments of foot to lie at Dumfries, hoping thereby to hinder Lambert from coming near Carlisle; wherein his expectation did not fail him; for no sooner came Lockhart to Annan, but Lambert drew his troops nearer, and sir Marmaduke Langdale got air a while, for provision both for his men and horses, and against the day appointed the general came from Edinburgh to Annan with Calander, Middleton, and Baylie, and several regiments of horse and foot. Turner also came to him from Dumfries

with the regiments that lay there, and some ammunition, and abundance of meal, that had been sent from Edinburgh: but before I go further, a little must be premised of the state of the army, and of those who commanded it.

48 The duke was general, of whom I find an old experienced soldier, who served under him, passing this judgment, "His conduct of forces was as good as that of any under his command, without exception; but it was his fate (I dare not say his fault) in military matters, as was his master's in political affairs, not to trust to his own judgment, but to the judgments of others, though inferior (as all the world knew) to their own: and to this character all with whom the writer ever spake, who served in that army, did agree.

49 The lieutenant-general was the earl of Calander, who was bred from his youth a soldier in the wars of Germany and the Low Countries, where he long commanded a regiment of Scottish foot, and had gained (deservedly) the reputation of a man of great courage; and understood well the Dutch discipline of war, which he observed with a strictness that seemed not free of affectation. The promptness of his deportment, and the authority he usually took on him, being judged far beyond his skill in the conduct of an army, he was made lieutenant-general of the Scottish army, that went against the king under general Lesley, anno 1640, and joined with Montrose and the other noblemen and gentlemen who signed the bond mentioned in the account of that year; and from that time he continued for some years in a great friendship with Montrose, which as it did alienate the church party from him, so it set him at a distance from the duke, of whom he was ready both to receive and give ill impressions. Yet he having made great and constant professions of loyalty, and having got himself to make a considerable figure among some noblemen who were called the king's party, a conjunction with him being also earnestly recommended by the queen in her letters to the duke, he and some of his friends (though many condemned the choice) were easily induced to such an opinion of the reality of Calander's loyalty and military conduct and courage, as to accept of him for lieutenant-general of the army, though the duke had no reason to have any confidence in his friendship. But as he left nothing undone to overcome all obstacles that lay in the 355

way of this royal expedition, so he complied with divers things that were uneasy to him, whereof this was none of the least; because he would leave no ground for calumny itself to charge him with slackness in attempting to do this signal service to God, the king, and his country. The lieutenant-general was quickly observed to design a faction in the army for himself, and to oppose all that the general suggested; which he did so peremptorily, that he usually pressed all his own propositions with such warm language as, that the king's service was ruined if other courses were followed: and this never failed to overrule the duke, and in effect he gave away almost his whole power to him.

50 But if he expected little friendship from Calander, he had as much confidence in Middleton, lieutenant-general of the horse, who was a person of great courage and honour; and none had been more gallantly active in carrying on this expedition than he was; for which and other great services he was by his majesty that now reigns created earl of Middleton: nor had he less assurance of Baylie, lieutenant-general of the foot, who had given many signal demonstrations of valour and conduct. The inferior officers stood all divided according as their affections led them, either to the general or lieutenant-general: and thus was the army modelled.

51 The regiments were not full, many of them scarce exceeded half their number, and not the fifth man could handle pike or musket. The horse were the best mounted that ever Scotland set out, yet most of the troopers were raw and undisciplined. They had no artillery, not so much as one field-piece, very little ammunition, and very few horse to carry it; for want of which the duke stayed often in the rear of the whole army till the country men brought in horses, and then conveyed it with his own guard of horse. Thus the precipitating of affairs in England forced them on a march before they were in any posture for it: but now they were engaged, and they must go forward, an account whereof follows, but not drawn, as the former parts of this work have been, from the duke's papers, and little notes he used to take on all occasions: for if any of these were taken by him in this expedition, they were either destroyed by himself or fell into the enemy's hands when he was made prisoner; so that the writer was forced to

seek help from others for supplying this defect, and procured divers relations from very worthy gentlemen, who were eye-witnesses or actors in the whole affair, upon whose informations he must rest, and therefore offers them as follows:

52 Upon the army's march to Carlisle, Lambert drew back, and we advanced to Crofton-hall, where we lay about eight or ten days; from thence we went towards Penreith: but the duke sent out a party of some three hundred horse, who discovered the enemy's main-guard of horse, and gave the general notice of it; who thereupon commanded the whole cavalry to march, purposing to fall upon the enemy that very night, and he sent orders to Baylie to hasten the advance of the infantry. A full discovery being made of the enemy, our cavalry was drawn up in their view, where, expecting the advance of the foot, we stood in arms till night; but about mid- 356
night the enemy drew off quietly. Next morning betimes, a great rain falling, we advanced to a bridge a mile beyond Penreith, with design to engage the enemy; but missing our hopes, were forced for our accommodation in quartering to return to Penreith. Next day my lord Levingstoun commanding a party of horse, discovered the enemy's main-guard within a mile of Appleby-castle in Westmoreland, consisting of about three hundred horse, of which having sent advertisement to the general, he ordered the army to march immediately towards the enemy; and Middleton commanded the captain of the general's troop to charge, who beat back the enemy's horse into the town of Appleby. That evening our whole cavalry made a stand for several hours, expecting the advance of Langdale, who being marched up, did presently with his foot engage with the enemy into the town till it was dark. Our infantry quartered that night on the moor near Appleby; but before the next morning the enemy marched away both horse and foot, leaving only a garrison in Appleby-castle; and did cut the bridge, so that it was impossible to follow, for the rains had fallen in such abundance that the waters were not to be forded: whereupon we went to Kirby-thure in Cumberland, where we lay three weeks, expecting the rest of our forces, who came up to us, yet far short of the numbers appointed by the parliament, of which there was wanting more than a third part; so that in all we were about ten thousand foot and four thousand horse. This is the true account of the strength of our army. Turner, who being our general-adjutant, did often muster the infantry, avers on his honour they were no more; and both Middleton and Lockhart did also assert there were not above four thousand horse; so far short was our

number of what was appointed by the parliament, and generally given out to be the strength of our army.

53 We also waited for the Irish forces which Monro had brought over. In the mean while Langdale besieged Appleby, and lest Lambert had faced about, Turner was ordered to lie near him with two brigades of foot till the castle capitulated, which it did in a very few days.

54 Here I shall add a letter of sir Marmaduke Langdale's to the earl of Lanerick, written from this place:

My most honoured Lord,

Give me leave to give your lordship many hearty and humble thanks for your favours, and to beg so much trouble to you, as to give your brother thanks for me, who is as careful of me, and all those under my command, as if they were his own, furnishing us with arms and ammunition, and upon all occasions with his own forces to assist us. All I can render to so great a person, considering my condition, is to be thankful; and I hope neither myself, nor none that join with me, will ever be so ungrateful or ungracious as to forget his particular favours, besides the general good to the whole nation; wherein what we have, or are like to enjoy, is by his endeavours, with the hazard 357
of his own person and friends, and all they can call dear unto them. These are benefits can never be forgotten by gentlemen, whereof one with many more is

Your lordship's most humble
devoted servant,
Mar. Langdale.

Appleby, 1st August, 1648.

55 We next marched to Kendal, and from that to Hornby, where it was hotly debated whether we should march to Yorkshire or Lancashire. The general and Baylie and Turner were for Yorkshire, but Lancashire was resolved on, which many blamed, that county being so disaffected, that little good intelligence was to be hoped for there; whereas Yorkshire was well affected: but Calander and Langdale pressed it earnestly, alleging it would ease our friends and weaken our enemies.

56 By this time the Irish forces had come over, consisting of the number above-mentioned, all well trained and experienced soldiers. They met with some danger and difficulty in their transportation, for the parliament of England (apparently fearing by their utter neglect of that army that some such course would be taken by them) sent two men-of-war to guard the passage betwixt Scotland and Ireland, who intercepted about three hundred foot of Dalyel's regi-

ment, whom they disarmed, and kept two days, but for want of victuals were willing to dismiss them again. The rest made use of small vessels, and the nighttime, by which means and the narrowness of the sea, they arrived all safe (albeit divers were chased) upon the Scottish shore; and as they landed in parcels, they were ordered to march straight towards Carlisle. But as they went through the shire of Galloway, and stuartry of Kirkudbright, they were unfavourably used, for none of the country gentlemen, excepting one or two, did own them: so being left to themselves, without any person to appoint orderly quarters for them, and being railed at from the pulpits, and curses denounced against them, and that whole engagement cried out to be unlawful, and the ministers in every parish discharging their parishioners to have any meddling with, or accession thereto, it was no wonder if abuses were committed, but nothing answerable to the great clamours purposely spread abroad against them by those of that country.

57 It was at Kendal in Westmoreland where sir George Monro had the first meeting and conference with the duke, who was upon his march with the army towards Preston in Lancashire. Sir George and those with him followed upon his rear to Kirby-Lumsdale, near the border of that shire. The duke had a great mind to have joined them to the army, for they were resolute and well trained, especially the foot, and he was well assured both of officers and soldiers: but Monro had no mind to take orders either from Calander or Baylie; and this made Calander unwilling to bring them up. He also saw that most of their officers depended on the duke, and so he had no kindness for them: therefore though the duke pressed much the bringing them to the army, yet Monro was sent back with orders from the duke in writing to stay at that place, and wait for some 358
cannon coming out of Scotland, and to conduct them to the army; but withal, in case it should happen he were attacked by the enemy, not to engage, but to make his retreat back to Appleby-castle or Carlisle, and there to secure himself till further order. As he stayed at that village, sir Philip Musgrave and sir Thomas Tilslie, the one lieutenant-general, the other major-general to sir Marmaduke Langdale, with two regiments of foot then raised in the northern counties, joined him.

58 Our March into Lancashire being concluded, the van was led by Langdale, who undertook to provide guides and pioneers, and to get us intelligence; but the want of this helped us to our ruin, for he was well nigh totally routed before we knew that it was Cromwell who attacked us. And here the cavalry complaining of

scarcity of forage in these parts, and their officers pretending a necessity to enlarge quarters, desired liberty to advance before the infantry, against which the general gave many reasons: yet to prevent a mutiny he yielded to it, not apprehending how near the enemy was, of which we were secure, resting on Langdale's intelligence; which was only that one Ashton had raised two or three thousand presbyterians together to stop our march and amuse us, pretending it was because we came out of Scotland without the approbation of the kirk. Calander and Middleton went on with the cavalry to Wiggan, some regiments of horse being only reserved for a rear-guard to the infantry, and we marched forward to Preston.

59 Upon the day after our army was thus divided, being the 18th of August, Calander got some hint of Cromwell's joining Lambert. Upon this Calander thought it fit to bring the cavalry nearer the infantry, intending to go himself that night to the general; whereupon some regiments of horse were drawn into the moor near Wiggan, and commanded to stay there till further orders, which late at night they got to return home to their quarters: then Calander went to the general, and Middleton stayed with the horse, which was the ruin of the army; for all judged that Calander ought to have brought the horse with him, since he had reason to apprehend the approach of so powerful an enemy; yet when he came to the general, he spoke nothing to him of the advertisement he had got.

60 Next day about noon we all drew up in battalia upon the moor, but had not ground enough: from us the general went and passed the bridge to view the field for a convenient leaguer, and before his return Calander ordered Baylie to pass the bridge with the foot to the place where the leaguer was to be. The general returning, and thinking to have found the foot still in the moor, met Baylie on the bridge, who told him he had received orders from Calander to draw over the whole body of foot; but hearing that Langdale was hotly engaged with the enemy, he had halted there, till he saw what the event of the action might be: which the general approved, and ordered him to halt, wishing they had stayed still on the moor. Meanwhile Calander came up, and asked why they did not march: Baylie gave him the answer he had given the general, with which Calander was unsatisfied, and went away in a chafe. The general seeing him in passion studied to allay it, telling him that Baylie had stopped upon his order: Calander answered, his grace might do what he pleased, but he had given former orders to march, which he con- 359
ceived most fit to be done, pretending the necessity of having the horse and foot on one side of the river, to which the general gave

way; and so Baylie marched over, and the duke and Calander returned back to the moor, where the rear-guard of the horse, together with two brigades of foot, stood all the while. By this time they got sure intelligence, from some prisoners whom Langdale had taken, that the enemy he engaged with was Cromwell; and the general ordered Turner to send out commanded parties to Langdale's relief, who sent about seven hundred foot with a good quantity of ammunition, of which the English stood much in need, and were sore put to it, Cromwell gaining hedge upon hedge of them. But Langdale being overpowered by the growing numbers of the enemy, sent to the general for a further supply, who ordered Calander to send it: and he undertook to do it, yet did nothing. Langdale wondering at the delay, sent a second more pressing message; and sir James Hamilton shewing the general how necessary it was to send a speedy supply, lest Langdale being beaten back the enemy should fall in betwixt the rear-guard of the horse and the foot, who could not be now brought back, the duke ordered him to draw out an hundred horse from the regiments that stood there, and charge with them. But Calander coming up, as he was advancing, asked who commanded that party, and finding it was sir James Hamilton, who had no charge in the army, but rode in the general's troop a volunteer, he ordered the horse back to their regiments, and went to the general, complaining that he gave command to those who had no charge, and all this on pretence that the few regiments which stood there were not to be weakened. But the general shewing him Langdale's extreme danger, and the necessity of sending him relief, Calander undertook with a brigade of foot to second him, though this could not be performed, the foot being now so far from us: yet upon that colour he went along the bridge, ordering his waggons that lay in Preston to be drawn over to the other side; which being done, he stayed on the other side. Meanwhile Langdale beat back the enemy two or three closes, still expecting relief; but that failing, he was totally routed, and retired disorderly, and fell in betwixt our infantry and the moor, where the general stood with the horse still expecting Calander: but now seeing a necessity of joining himself to his infantry, he got into the town of Preston with his guard of horse, and Langdale and other officers with him, with intention to pass the river below it, which at that time could not be ridden by reason of the rains which fell continually; for all this while there were such deluges of rains not only over England, but over all Europe, that every brook was a river, which made the march very heavy both to horse and foot: nor was it possible for the foot to

keep one musket fixed, most part of the time we were in a body in England: but the enemy pursued us fiercely into the town; whereupon Turner endeavoured to rally some of the musketeers who had fled, and to line the hedges with them for keeping off the horse. But the general perceiving they did small service, did himself charge those who pursued him, being followed by all the officers and his own guard, and put two troops of the enemy to a speedy retreat, and 360
then turned to get to the ford: but as soon as we turned, the enemy faced about and turned again on us, and the general charged the second time, and put them again to the flight; but being pursued the third time, he charged the enemy so home, that he sent him a good way off, and they could not soon overtake us. In all which he shewed as much daring resolution and courage as any man could be master of.

61 But Langdale and Turner perceiving the enemy's foot advance, who would have lined the hedges, and from them fired on us, pressed the general to think rather of retiring to his army than staying in a place where all he could do was to give proof of his personal valour: whereupon he yielding to their advice, we took the ford and swimmed over, and got safely to the place where our infantry lay, whom Baylie had very advantageously drawn up on the top of a rising hill, among sensible enclosures. The regiments that stood on the moor were put to the rout by the enemy, and got off disorderly in parties. Calander congratulated the general's safe escape from so eminent a danger; who returned him thanks, but passionately regrated the bad fortune of that unhappy day, whose sad effects, he said, he very much apprehended. Before his arrival, Calander had sent six hundred musketeers to maintain the bridge, which was done without consideration; for they were to march through an open field of a quarter of a mile's length, that lay betwixt the hill we stood on and the bridge, in which there was no shelter, and the enemy's side was all a descent to the bridge, that was full of hedges, from which their firemen played uncessantly on our musketeers, who could do them no harm again. The general and Baylie observing this, did by Calander's advice, who saw his error, send Turner with some musketeers to make their retreat, and bring them off; but he met them rather flying than retiring: nor did the enemy pursue eagerly, but divers of our men were killed: and now Cromwell was master of the bridge.

62 This was the issue of that day, wherein our loss was great; many were killed, and many were taken prisoners, and we lost more who run away; two brigades of foot were totally routed, and either

killed, taken, or dispersed; nor did we ever hear any more of Monro and the Irish forces, nor of the rear-guard of horse that was on the moor; so that we begun to look on ourselves as broken, being in a country where we might look for nothing but unfriendliness and treachery. Upon this sad juncture, the general called a council of war of all the chief officers in the army: there was one of two things to be done, we were either to wait for the cavalry or to march to them. Divers messages had been sent to Middleton to come up with the horse, yet he appeared not. Calander pressed a retreat, and to him agreed almost all the officers, except Baylie and Turner, who urged their staying till Middleton came up, which might be expected in a few hours. The general expressed much indifferency in that particular, and if they had stayed they could not have forced Cromwell to fight, who, knowing their wants, would have let them alone till hunger had forced them away. So Calander's authority prevailed for a march; the greatest prejudice thereof was, that they could not carry their ammunition with them, for the country people, whose horses carried it, had fled away; so that there was 361
a necessity of leaving it behind them. To have fired it would have discovered their march, and so done them mischief; therefore it was appointed to be blown up by a train, which being neglected by him to whom it was trusted, it fell into Cromwell's hands next day: all the soldiers could carry with them was only their flasks full. Our march was very sad, the way being exceeding deep, the soldiers both wet, hungry, and weary; and all looked on their business as more than half ruined. The next morning we came to Wiggan, and found almost the half of our foot had fallen off by the way, whom we saw no more. But our misfortunes grew on us; for Middleton, upon the advice he got, had marched to the bridge of Preston another way, where he found the enemies quiet, our fires burning, and none by them but some sutlers; wherefore hearing we were gone to Wiggan, he followed our tract, and was hotly pursued all the way by the enemy's horse, with whom he skirmished all along till he came within a mile of us: and indeed he made that retreat, which was seven miles long, very gallantly, and was well seconded both by colonel Lockhart and colonel Hurry, the last getting a dangerous shot in his head, which occasioned his being taken prisoner. The enemy lost several men, and among others one colonel Thornly, accounted one of their best officers. We meeting with our cavalry drew up in battalia in the moor, and some thought of fighting; but we found it impossible, the place not being large, and environed with enclosures, which we could not have maintained long for want of

ammunition. So we were resolved to march all night, and designed for Warrington-bridge, where we hoped we might either maintain the bridge, or cut it, and so have gone whither they pleased; yet many of us apprehended we might be routed ere we got thither. Marching all night, we got a false alarm, which put us in no small disorder; and Turner and Lockhart labouring to recover us, the one was wounded, and the other was trodden down, to the great danger of his life: yet no enemy came in the rear, for they had taken up their quarters for that night; but next morning they pursued us, yet we passed Warrington-bridge, the enemy being close in our rear. We maintained it some time against the horse, but were driven away from it when the foot came up. And here Calander, and most of the officers of the cavalry, pressed the general to march off, and leave the foot to capitulate; their reasons were strong, they had marched two nights, both under an extraordinary rain, and in very deep way, and were wet almost up to the middle, and had scarce eat any meat all that while; they had no ammunition, the powder in their flasks being all wet; so that to study to preserve them was to attempt an impossibility, and to lose all. The horses were also so weary with their long ill march, that they were for no present action; but they getting off, and turning either back to Scotland, or joining with those who were in arms for the king in England, might still prove useful for his majesty's service. Upon which the general was moved, though with great reluctancy, to leave the foot and Baylie to capitulate; and in an account of this business drawn by Baylie, which the writer has seen, he says, Calander ordered his capitulating, and Middleton advised it; but says nothing of any orders he had from the duke for it. Baylie 362
upon this occasion lost some of the patience he was usually master of; but having recovered himself as much as he could, he sent major Fleeming to Cromwell with articles, who not agreeing to those, desired a parley with Baylie himself: and they met on the bridge, and agreed that the infantry should lay down their arms, and both officers and soldiers be prisoners of war to the parliament. Here Cromwell left Lambert with four brigades of horse to pursue our cavalry, and himself marched after Monro. But I shall go through with the tragedy of our army before any further account be given of that march.

63 Our cavalry rode divers miles towards Westchester, with intention, as was supposed, to have gone to Wales; but putting on another resolution, we stayed all night at Malpas in Shropshire. And here it was debated whether we should go to Yorkshire or to Hereford-

shire, where we had intelligence that sir Henry Lingen had put himself in a considerable posture for the king: but this being contradicted, that very night we resolved for Yorkshire, designing to try if we could clear a way for ourselves to Scotland. But next day many of the county trained-bands appeared against us, who were soon dissipated by Middleton without any bloodshed, and that day we made a great march, and lodged all night in the fields; next day we marched betimes, and at noon made a great halt at Stone in Staffordshire.

64 After this, as we were marching, Middleton rode in the rear, for making it good against some troops of the county militia; but unfortunately his horse fell under him, and he was taken prisoner. Thus the remnant of our unfortunate army sustained an irreparable loss by the taking of that brave man. The rest of that day we marched to Utoxeter, and the weather being rainy, windy, and tempestuous, we came thither in great disorder. On the next day we had not marched a mile, when both horses and men being extremely weary, many of the officers and troopers expressed an unwillingness to march further, neither were we well resolved whither to go that night; and many surrounded the general in a confusion next to a mutiny, desiring he would return to Utoxeter, from which he was very averse, and represented to them that it was better capitulating with sword in hand in an open field, than to be cooped up in a town: but both he and Calander were forced by their importunity to return to Utoxeter, purposing to spend the rest of that day and the next night there, for refreshing men and horses, and after that to continue their march. And here Langdale and some of the English officers that were with us, seeing all hopes were gone, and knowing their own danger if taken with us, left us. A trumpeter came to us from the governour of Stafford, commanding the general to render himself, and these with him, to him and the county committee: and many such letters came to him from impertinent commanders of the county-militia, at which he was nothing moved, and, as low as he was, he undervalued them. But now our misfortunes must be completed by our own madness, and the mutiny of our soldiers, among whom it was given out that the general officers intended an escape from them, though they had often protested that they should never leave them, but live and die with them. The 363
soldiers set double and treble sentinels, both about the general's and lieutenant-general's lodgings, and other chief officers; all which was done in the sight of the Stafford trumpeter. Next morning, as soon as we could see, colonel Turner, by the general's order, called

out at the window to them, and asked if they were not ashamed of the ignominy of that action, and of the base and unworthy usage they had offered their general, and the contempt they had shewn to all discipline. He advised them, if for no other reason, yet for their own safety, to return to their duty, remove their guards, go home to their lodgings, and refresh themselves; which they instantly did, cursing those who set them on to mutiny, but named none. Calander protested he would hear of no treaty, but prepared to be gone, with all who would follow him, who were at least half our number. The general pressed his stay, that a joint course might be followed, at least that night, and that he would not divide the forces; and the next day they should either march, fight, or treat, as should be agreed on in a council of war, where he might freely deliver his mind. But all was in vain, for he marched away with as many as had good horses to follow him, who quickly dispersed themselves; and Calander got secretly to London, and from that to Holland, so that his escape proved more fortunate than any officer's (of the army) was.

65 Now we concluded it impossible to return in a body to Scotland, and the county-militia was every where rising, our horses were beaten, and our troopers both heartless and disposed to mutiny; so that we all told the general there was a necessity of capitulating, for though we might possibly have cleared a way for ourselves, through those who then surrounded us, yet in every part of England we would find a fresh enemy before us, and it was impossible to cut out our way through all these difficulties: to which, seeing it was unavoidable, the general yielded, and on the 25th of August sent three colonels, Lockhart, Foules, and Turner, to capitulate with the governor of Stafford, who had environed us with about three thousand men. They treated in a house three miles from Utoxeter, where Mary queen of Scotland had been long kept prisoner; they found those they treated with no enemies to monarchy, and so they had reason to expect good conditions from them: but that treaty was interrupted by a message from Lambert, who was now advanced very near Utoxeter, and sent them word that if they would treat it must be with him; which was no good news to our colonels. Yet they went to him, and found him very discreet: he appointed Lilburn, Hains, and Manwaring to treat. They demanded of us the delivery of Berwick and Carlisle; and undertook, if we would engage to deliver those places, we should not only be permitted to go back to Scotland, but conveyed thither. Our commissioners answered, they had only warrant to treat about the general, and those

with him, and had no power to treat about those places: so our commissioners were sent to know the general's pleasure about Berwick and Carlisle, who answered, he neither could nor would engage for the performance of what was not in his power, since in that condition he was in he had no reason to expect obedience to his orders from the deputy-governors; adding, that he did not set that 364
value on himself, or his liberty, as for the procuring of it to do any thing might so far prejudice the king's service as the delivery of these towns would do; whereupon he dismissed the colonels with some very sad expressions. During this treaty the lord Grey of Grobie came towards Utoxeter, to whom the general sent colonel Ker to tell him he was in treaty with Lambert; and those who were appointed to treat agreed on the following articles:

66 That James duke of Hamilton his grace, with the rest of the officers and soldiers under his command, now at Utoxeter, shall render themselves up prisoners of war, with their horses, arms, and all other provisions of war, bag and baggage, whatsoever, (except what is mentioned in the ensuing articles,) to major-general Lambert, or such as he shall appoint, without spoil, concealment, or embezzlement, by four of the clock this afternoon, upon Utoxeter-heath, or some convenient field near unto it.

II. That the duke of Hamilton, with all officers and soldiers of the said Scottish forces at Utoxeter, shall have their lives and safety of their persons assured to them, and shall not be pillaged or stripped of their wearing clothes, or what they have about them, or otherwise wronged, beaten, or abused, upon the delivering up of their arms, or afterwards, and shall have civil usage during the time of their imprisonment.

III. That all field-officers, and captains of horse in command, shall have each of them a horse provided to ride on, to such places as shall be appointed by major-general Lambert for their stay; each colonel in command to have one horse for his servant to ride with him, and each commission-officer that is sick or wounded, and not able to go on foot, to have one horse provided for himself to ride on, and that a safe convoy shall be provided to conduct the prisoners to the places they shall be sent to; and if any that are sick or wounded do desire it, they may have liberty to stay at Utoxeter till further order from major-general Lambert.

IV. That the said duke of Hamilton shall have six of his servants, such as he shall choose, allowed to wait on him, and each of them an horse to ride with him, till they come to the place of stay, and

have none of their wearing clothes, or what they have about them, taken from them.

V. That all treasure and plate remaining in the Scottish army at Utoxeter shall be delivered up to such persons as major-general Lambert shall appoint.

Signed,

Rob. Lilburn, William Lockhart,
Hezekiah Hayns, James Foules,
Edward Manwaring, James Turner.

67 Lambert desired them to sign the articles quickly, and he would go to Utoxeter to save the duke from Grey of Grobie's men: but before he came they had fallen in, not regarding the treaty nor the cessation of arms, and had taken the duke; yet Lambert would not look on him as a prisoner till the articles were signed, which he ratified, and disclaimed Grey of Grobie's taking him, as done in time of treaty and cessation, against the law of war and nations: neither was the lord Grey empowered by the parliament, so that Lambert having authority from them, they were obliged by his treaty and articles. The articles were also signed, though not sent back, 365
sometime before Grey himself came up.

68 The duke was carried to Derby, from that to Loughburrough, from that to Leicester, and from that, on the 28th of August, to Ashby-de-la-Zouch, where he continued prisoner till the beginning of December that he was carried to Windsor. He was kept under strict guards, and in a close restraint, not being permitted to go without the castle, and but seldom to walk in the court; for the second night after he came thither, when he was taking a turn in the court after supper, he had not walked half an hour, when a sergeant came and commanded him to his chamber, though many soldiers were looking on: he immediately went to his apartment, and said to the lord Bargany, who was prisoner with him, that the sergeant's carriage was a notable instance of the vanity of worldly greatness, and the instability of man's condition in this life; since he, who but a few days ago commanded so many thousand men, was now himself commanded by a private sergeant. Soon after his imprisonment the parliament sent two of their number, and Hugh Peters waiting on them, to examine him in order to the discovering those in England who had con-

federated and corresponded with him in this engagement: but the examination held not long, for they could draw nothing from him, and found none of their arts could prevail (though they spared neither promises nor threatenings) to make him think of redeeming either life or liberty at so base a rate, his honour and conscience being much dearer to him. He told them, he could not say he knew anything worth their pains, but if he did, nothing, no not torture itself, should ever draw it from him.

69 Thus ended that expedition, the miscarriage whereof occasioned much censure and reproach; but those who did impartially reflect on the whole progress of that army ceased to wonder, when they saw the ruin of a raw, undisciplined army, which, without either artillery or ammunition sufficient, was precipitated by an over-hasty march into an enemy's country, harassed and wearied with a sad march, in such bad weather and way, and encountered by so strong an enemy; who, as he had a well-disciplined and trained army, so he had the whole country on his side: and wherever any censurable miscarriage was to be fastened, all that were impartial did confess the duke free of blame, except for yielding too much to other more experienced soldiers, who, upon every inclination he expressed of differing from their counsels, told him he was ruining the king's service. And just observers, when they considered how little care he expressed for preserving himself, and how much for preserving the army, how ready he was to hazard his own person, how he would not abandon the broken remainders of his army, but stayed and run the same fortune with them, when others were more careful of their own preservation; how he would not preserve himself at the rate of delivering up Berwick or Carlisle, judging those places of more importance for his majesty's service than his liberty could be, or the liberty of that handful was with him; and in fine, how he abhorred so mean a thought as the ransoming himself by betraying others with whom he had corresponded; did very much condemn the too great forwardness of some in believing those base reports which were spread of his betraying that army.

70 But in Scotland things changed no less strangely. The 366
clergy, during the army's march, continued animating the

people into an opposition to the engagement: but the committee of estates secured the peace of the kingdom by some troops they kept in suspected places, and seemed to connive at many things which they resolved to punish to purpose when they had a good account of their army. About the end of July Mr. Murray came to Scotland from the queen and prince, with full assurances of their friendship and kindness to them, and told them that the prince was ready to come as soon as he were sent for, appointing them to send to him to Holland whither he was then going; whereupon the earl of Lauderdale was sent by the committee of estates to invite his highness to come and command their army, giving him the public faith of the kingdom for his honour, freedom, and safety, both during his stay with them, and for liberty to leave them when he would. He was also to desire his highness would land at Berwick, and, for satisfying the people as much as could be, that he would bring none with him who were hateful to the nation, and would, as the king had always done in Scotland, conform himself to their forms of religious worship.

71 On the 5th of August he set sail first for Yarmouth-road, where he heard the prince was with the fleet, but that being contradicted, he held his course for Holland; and as he was sailing into the Brill the pilot's boat assured him that his highness was gone from thence, but he knew not whither: wherefore seeing a man-of-war, who, as they told him, belonged to the prince, he turned his course, and followed him, but he could not overtake him. At last a frigate of the prince's came astern of him, and told him he was in the Downs; so he sailed on with the frigate, and came to the Downs on the 10th of August, where he found his highness, and prince Robert, with some others of the nobility, and of his council, and a very good fleet of about eighteen sail, commanded by the lord Willoughby as vice-admiral. His highness gave him a very kind reception, and expressed a great sense of the loyalty and duty of the Scottish nation; all that were about him were likewise very well-affected to that nation. The prince called the earl of Lauderdale to his council, where he appointed him to deliver his message, which he did; and the prince, after a day's consideration, gave him a very gracious answer to every particular, and resolved to go quickly to

Berwick, and from that to make all the haste he could to the army; but he was first to go to Holland, where he intended to stay some few days. The earl of Lauderdale had got instructions from Scotland to go to the prince of Orange, and the States-general, to give them an account of their affairs, and to crave their assistance in money, arms, ammunition, and shipping; to see also what money could be borrowed upon the public faith of Scotland for the prosecuting the engagement, and to desire from them the three Scottish regiments that were then in the States' service, and to settle a firm alliance with them: and from them he was to go to France, with letters to the queen, and to treat with the queen mother of France for the assistance of that nation, according to the ancient alliances between the crowns of France and Scotland. All these instructions being communicated to his highness, he judged the employment might be of good use, but would not let the earl of Lauderdale leave him, 367
intending to carry him with him to Holland, and was very well pleased that sir Robert Murray was appointed to go to France, in case the other went not: yet he resolved to carry him along likewise to Holland. Upon which the earl of Lauderdale sent advertisement to Scotland, to make ready for his highness' reception. This was done on the 20th of August, and as the prince was making ready, the sad news of the defeat of the army was brought him: so that design vanished.

72 But in Scotland the news of the routing of the army was received by the opposite party with all the insultings of joy, they adding infamous opprobries to their invectives. Some observing that the division of the duke's army, which was its ruin, was on the 17th day of August, the day in which the covenant was first made, which from thence some used to call *Saint Covenant's day*, this conjuncture of affairs was held a visible declaration of God's displeasure, (for their breaking the covenant and their juggling in it,) by those who took upon them to expound all God's providences. The western counties were commanded and animated to an insurrection by the lord chancellor and the earl of Eglinton, together with their ministers, who came leading out whole parishes with

such arms as could be had, and when these failed, with staves and pitchforks and scythes.

73 When the resolutions for raising an army were taken in the parliament, divers of the nobility did dissent from them, the chief of whom were Lowdon, who was then lord chancellor, and Argyle: and now Lowdon, upon the notice of the misfortune in England, gave out orders for raising the western counties, and all others who would zealously own the covenant against the late engagement. Those that were raised were at first commanded by the earl of Eglinton, and the marquis of Argyle made all the haste he could to come down with his highlanders: the earl of Cassilis was slowest with his men; for though he had dissented from the engagement, yet he was long unsatisfied with the tumultuariness of the insurrection, but after some time's consulting about it, he came up to them at Linlithgow.

74 This, together with the sad account of affairs from England, did not a little disorder the committee of estates, who as they drew a few troops that were kept in the country for their guard nearer them, so were not well resolved what to do. They looked on the business as desperate by the ruin of the army in England; and though it was easy to scatter the confused bodies were coming from the west, yet they apprehended that certainly they, finding their own weakness, would call for the assistance of the English army, before which they knew they could not stand. Most of the committee were men of good estates, who, apprehending certain ruin to their fortunes, were resolved to see to their own preservation the best way they could. Others were much addicted to the ministers, and though they had gone along with the service, notwithstanding the opposition of the clergy, yet now that they knew they were resolved to excommunicate all who were for the engagement, their hearts failed them. Many of the ministers did also represent to them, and some of their friends, that their designs being blasted by God, why should they fight any longer against him? and assured them, that if they would lay down arms, and accommodate matters without blood, all should go well; that they would all own the king's 368
quarrel, according to the covenant: but if, on the other hand

they persisted in their opposition to the church, the English army would be called in, which would undoubtedly destroy both the country and them. These things prevailed with most of the committee of estates.

75 But the earl of Lanerick opposed all these resolutions, judging it base and dishonourable to treat with those rebels, and abandon so good a cause because of a misfortune. He thought it therefore necessary to recall sir George Monro with his forces, and secure themselves of Sterlin and St. Johnstoun, and then to raise all the north, by which they might gather a new army; and the time of the year told them that Cromwell durst not stay long in these parts: so that upon his going to London they might make themselves masters of Scotland, and force a new army into England the next year. Yet in this he was almost alone, and many of the committee of estates plied him hard, especially with one argument, that if more blood were shed in Scotland, their enemies would undoubtedly revenge themselves on his brother; and then all the world would say his ambition to succeed him had made him contribute to his ruin. But, on the other hand, the ministers and their adherents gave great assurances that they should procure his brother's liberty if matters were packed up. This being constantly pressed on him, he yielded to be passive, and let them be doing; and so after some days' debate they resolved to prosecute the engagement no more, and to pack up the business if it were possible: therefore they sent the lords of Lee and Humby to the western forces, (who were come in their march the length of Hamilton,) to see what their demands were, and to propose a cessation in order to a treaty; they also sent orders to sir George Monro to return to Scotland. But here I shall stop a little, to give account of the motions of his army in England.

76 Musgrave had got intelligence that Cromwell with his army was upon his march to stop the duke's progress, and had advanced the length of Skipton castle in Yorkshire; which advertisement was instantly despatched to the duke at Preston, and a small party of about forty horse was sent under the command of one Galbreath to examine the truth of these reports, who returned with this account, that having concealed their party within a hedge near that place, some of

them came to a house of their acquaintance, from which they sent a servant to Skipton, who brought them assurance of Cromwell's being there with an army of about ten thousand men, and that he had commanded those of that garrison, excepting a few, to be ready to march with him next day.

77 Sir George Monro being thus informed sent advertisement to Preston by divers messengers of both sexes; but neither did this intelligence, nor any sent before, ever come to the duke's army, which is attested by many persons of honour then in command there; and indeed those of the army rested wholly on Langdale's intelligence. But Monro, considering that Skipton was equally distant from Kirbie Lumsdale where he lay, and Preston judged that Cromwell's first design was upon him; upon which, and in pursuance of the duke's orders, he retired softly upon the way towards Appleby, about fourteen miles back: but the second day, having notice that Cromwell had taken the road to Preston, he returned to his 369
former station, where he kept both horse and foot night and day in readiness.

78 Two days after that, towards the morning, a small party of horse, sent out from the watch upon the Preston road, were unexpectedly alarmed with the noise of horse-feet, as it were at a good distance; but those were presently discovered to be the scattered troops of the duke's army. Some of them were officers of foot, who, as they declared, were commanded out from Preston to the assistance of sir Marmaduke Langdale, whilst he and Cromwell were engaged in a hedge-fight: but before they were able to give him relief, Cromwell had forced them to retire, and had got in after sir Marmaduke betwixt them and the town, and so had separated them from the duke's army. There were also some troops of horse who were the rear-guard, of whom mention was made in the account of the business of Preston, in all about twelve hundred, belonging to divers regiments of horse: they were earnestly solicited by sir George Monro to stay with him till they should hear what had become of the duke and his army. But they objected their men and horses were very weary, and that there was a great want of horseshoes amongst them; and so excused themselves, and said they should only go to some of the nearest villages, where they might be refreshed: but they went straight

to Scotland through Westmoreland and Northumberland, spoiling and plundering all these counties as they passed; which made great outcrying, and was charged upon the forces commanded by sir George Monro, (who not long after followed them,) but very unjustly.

79 At Kirbie-Lumsdale sir George Monro and the gentlemen who were with him stayed a few days, to learn the certainty of the duke's condition, the reports whereof changed hourly: but fearing the worst of the duke, and the danger of being surprised, they retired to Kirbie-Steven; and getting no certain advertisements of the duke or his army, thought it fit to send for advice to Scotland, and to be still drawing northward through Northumberland. When they came to Morpeth, colonel Hamilton, general of the artillery, came to them from Edinburgh, with orders from the committee of estates to take Newcastle, or at least to fortify themselves where they were, and attend the duke's coming, whose army they still judged to be safe, and that it was like he would return through Yorkshire: but they got soon after that the certainty that the duke's army was wholly lost, and that Cromwell with a great part of his army was on his march to fall upon them. Upon this they took their way for Berwick, and met new orders from Scotland, giving notice of a great insurrection in the west, and thereupon requiring them with all possible speed to hasten to Cockburn's-path, where the committee of estates was to meet them. They also ordered them to suffer none of the English forces to come to Scotland with them, which was executed at Berwick; great complaints being made by the English gentlemen of that inhuman usage. Upon the way from Berwick, it was told sir George that he had need to look to himself and those with him, since the committee of estates, even after they had called for him to their assistance, and were forced, by the multitudes of armed men drawing from the west towards Edinburgh, to fly to him for safety; yet had passed an act not to prosecute the engagement any further, and that they had entered already upon a treaty with 370
the other party, and had employed the lords of Lee and Humby to go to them with propositions. He reflecting on these news, and the orders he had received not to let any of the English nation cross Tweed, thought there was no more intended

but to make use of him as an engine for a safe off-coming: but though Argyle sent his brother to him, inviting him to his party with great offers, yet he rejected that proposition, and hasted forward to Cockburn's-path, where he found nobody. He lay a night or two there, and got orders to march to Hadingtown, where the earls of Crawford, Glencairn, and Lanerick met him, who had got together some of the scattered troops belonging to the regiments that had left the duke at Preston. And at Gladesmoor, all the forces were put in order, which upon rendezvous were above three thousand horse and two thousand foot; from thence they advanced to Musselburgh, near which a party of seven or eight hundred horse of the western army were come from Edinburgh to view the fields. They, upon discovery of the march of the forces from Gladesmoor, retired, leaving a troop at the bridge, who at the approach of sixteen horsemen run away in all haste, and so escaped with the loss of some few that were taken prisoners.

80 These earls lodged that night at Inneresk, and agreed next day to march by Edinburgh upon the south side, to shun the danger and straits of the way by Leith, which was beset by that new army from the west, though Monro offered with his forces to clear the way to them; but the greatest part of the committee were resolved not to engage in blood. The western army was now some way modelled, and commanded by the earl of Leven as general, David Lesley as lieutenant-general, and Robert Montgomery and sir John Brown as major-generals. Some of the ministers were earnest for fighting, not doubting but their enemies would fly before them; but the military men understood well enough their own weakness, and therefore would not engage. All this while the lords of Lee and Humby were very diligent, posting night and day betwixt those in Edinburgh and the committee of estates, to mediate an accommodation betwixt both parties, but hitherto without any effect.

81 The committee of estates took their way by Pentland-hills, where they lay that night: next day they did march by Collingtown and Christorphen, and so towards Linlithgow, purposing to hinder the conjunction of some new additions of forces from the west, led by the lords of Cassilis, Kircudbright,

and Argyle: as also to fix themselves at Sterlin, as a secure place, and convenient for maintaining their army, and for raising the whole country on the north of Forth, or fighting if occasion should offer.

82 At Linlithgow the earl of Cassilis, with about four or five hundred horse, was almost surprised; but by the darkness of the night he escaped towards Burroughstownness, and the Queen's-ferry, and so to Edinburgh.

83 Lieutenant-general Lesley with his new army followed upon the other's rear near Linlithgow, but was loath to engage, having little confidence in his men, although he was hard pressed to it, for preventing the danger Argyle might fall into at Sterlin; and sir George Monro would willingly have turned upon him, but that he was earnest once to be at Sterlin, where he hoped to fall upon Argyle and his party, and therefore hasted forward.

84 At Larbour he was assured that Argyle, with about sixty 371
horse and a thousand foot all highlanders, was in the town of Sterlin, keeping a committee, and treating with the castle (wherein was the king's garrison commanded by Norman Levingstoun) for a surrender; upon that sir George hasted on with the cavalry, commanding the foot to follow in order as fast as they could, which they did at a good pace. A gentleman coming from Sterlin met sir George about St. Ninians, and told him that the Barras-port was shut and manned, and that he must pass through the park, round about the castle, to gain the bridge, and prevent Argyle's flight: and as he came near the castle, the governor displayed the king's colours upon the walls, and caused the cannon to play upon the bridge, where he perceived some of Argyle's people withdrawing. The difficulties sir George met with in opening the park gate, and breaking down some stone walls to make a passage for the horse, gave time to the marquis of Argyle to get himself and his troopers mounted. They passed the bridge in haste a very little before sir George, who with five horsemen pursued them a good way: the highlanders, marching close together, to pass after their lord, were assaulted by the first troop that came up after sir George: they made some sort of confused resistance, but were instantly trod down and scattered, and forced to call for quarter; about a

hundred were killed and drowned attempting to swim the river, the rest taken prisoners, being betwixt eight or nine hundred.

85 Upon this, orders were despatched from the committee of estates for raising all the fensible men in the northern shires, to join with those at Sterlin, and Lanerick went to Perthshire to invite the nobility to join. Upon which the lord Ogilvy and the lord Drummond came with some propositions to the committee of estates; yet all means were essayed to bring the matter to a treaty. The earls of Crawford and Glencairn had drawn the earl of Buckleugh, and Mr. Robert Douglas and Mr. Robert Blair, two leading ministers, from Edinburgh to a private conference with them, where Crawford and Glencairn moved, that the committee sitting at Edinburgh might come and reside there for perfecting of the treaty, whilst their forces should continue at Sterlin; which was flatly denied them.

86 Here the ministers were very earnest with these lords that matters might be accommodated. The lords moved, that nothing might be done to derogate from the authority of parliament and committee of estates; that the officers and soldiers then in arms by their authority might be provided for and entertained; that at least, if there was no further use for their service, the articles agreed to by the parliament for these forces that came from Ireland might be duly kept to them, and that some consideration might be given to the rest of the forces that were to be disbanded; that none who had entered into that engagement might be questioned for it, but enjoy still their offices, honours, and fortunes, and other civil places; that an effectual course might be agreed on for the relief of their friends detained prisoners in England; and finally, that the committee might sit with freedom in the ordinary place, and by advice of the church consider of the dangers of religion, of his majesty and his posterity, and of the peace and safety of his kingdoms, that so, by joint advice, such ways might be taken as would best secure religion, preserve his majesty and his posterity, and quiet the distempers 372
of the kingdom.

87 The ministers on the other hand proposed that all armies, whether in the fields or in the garrisons of Berwick or Carlisle, should be presently disbanded; that the securing the

interest of religion might be referred to the general assembly or their commissioners, and all civil differences to the determination of a parliament, to be speedily called; that in the mean time there should be a committee of estates, in which none should be admitted that had concurred in the late engagement: but withal they gave them good assurances, both for the prisoners in England and for themselves, that no prejudice should follow on any for their accession to the engagement; and when the earl of Glencairn said, perhaps nothing would be kept of all that should be agreed to, Mr. Douglas answered, that if but a tittle of the agreement were broken, all the pulpits in Scotland should declare against it.

88 But now Argyle, having escaped from these who pursued him, was joined to the western forces, commonly called *Whiggamores;* and he, being irritated with what befell him at Sterlin, was for severer methods. They resolved to invite the English army to their assistance, to which Cromwell was not backward, both that he might recover Berwick and Carlisle, and destroy all the king's friends. The Whiggamores did also know well how averse the committee of estates were from engaging into action, and that they intended to make peace on any terms: therefore they grew high in their propositions, and at Sterlin the other party was much divided; for most of the committee of estates were for a treaty, and most of the officers of the Scottish forces were capitulating for themselves.

89 The chief arguments proposed to persuade the necessity of this agreement, were, the improbability, if not impossibility, of resistance, if Cromwell should join the enemy, who had already invited him to Edinburgh by a message sent him to Berwick by Argyle, Elcho, and other two commissioners, which they doubted not but he would accept; the fear this conjunction would beget in the country would hinder their rising, and drive their army either to a want of subsistence, or to destroy their friends, and turn them malecontents first, and then enemies; but above all, some pretended the fitness of preserving the king's friends and favourers to a better opportunity for his service, which they hoped would quickly offer itself.

90 It was objected against the treaty, that the relief of their prince from such a cruel captivity was a just cause; that they had law and authority upon their side, and so ought not to

be diffident of success, or fearful that lawless rebellion, how strong soever, should prosper; that their enemies joining with Cromwell and his army of sectaries, would make them the more hated, and quickly discover that it was not religion and reformation they intended, as they always gave out, but that they sought the government and worldly ends, whereupon many of both nations would fall from them; that the king's safety, and the preservation of their friends then prisoners in England, depended much upon them, and their continuing in arms; that they were bound to continue in their duty, and wait for what change God would bring about, and that suppose good conditions were granted, what assurance could be given for the performance of them? Those who opposed the treaty were the earl of Lanerick and most of the 373
Irish officers. In end Lanerick was prevailed with to give way to it, which he did not only then declare was against his heart, and done merely to prevent a rupture that had otherwise followed among themselves, but he continued to his death condemning it, whatever seeming colours of reason might be given for it. The officers of the army brought from Ireland, seeing they would be infallibly ruined if they were deprived of the authority of the committee of estates, were likewise forced to give way to a treaty; so the following articles were agreed on and sent to the Whiggamores:

91 We being servants to the state, and unwilling to engage in a civil war, do conceive ourselves obliged to remit the ways of prosecuting of all duties to religion, and to our king, to the determination of church and state; and let them move in it as they will be answerable to God, our lives shall ever be ready to be exposed to all hazards for the good of both: and if all duties for them, and for our friends' release in England shall now be deserted, let the blame before God and men lie upon the obstructors of it. And if no further use be made of our service, we do demand,

I. That security be given to all who are or have been engaged in this service, for their persons, honours, and estates, whereby they may be free from all dangers, prejudices, and censures whatsoever, whether ecclesiastical or civil, for their accession to the late engagement, or any thing done by them relating thereunto, or to this present service, for our own defence; and this to be confirmed by act of parliament or the lawful authority of the kingdom.

II. That in regard of our extraordinary charges and loss, one month's pay be instantly delivered us for payment of the Irish forces, and that boats and ships be presently provided for their transportation to Ireland; and for preventing all disorders upon their march through the west country by free quartering, we do desire that a regular course may be taken for their entertainment during their abode, which shall be no longer than wind and weather shall serve, and boats be provided to transport them.

III. That one month's pay be provided for the Scottish forces, and that they be not disbanded until the Irish forces be transported, or that sufficient pledges be delivered for performance of what is desired, and that their disbanding and transportation be done by authority of the committee of estates.

These reasonable demands being performed, we the Irish are ready instantly to march towards any part of the west coast which shall be thought most fit for our transportation into Ireland, and we the Scots instantly to disband; otherwise, rather than expose our lives and fortunes to the mercy of any, by the want of fitting assurances for what is past, or the loss of our honours by deserting the interest of those commanded by us or who join with us, we are resolved to sacrifice ourselves at the dearest rates we can, and take God to witness how free we are of the guilt and consequences that may follow thereupon.

We have appointed our commissioners to stay no longer than six o'clock at night to-morrow the 19th, and that the treaty shall then end, and the cessation to expire eight hours thereafter, unless the desires above-mentioned be fully granted.

Signed, by the warrant and at the command of the officers and others now in arms, by authority of the parliament of the kingdom of Scotland.

Sterlin, 18th September, 1648.

Jo. Spalding.

92 To these they had the following answer returned them: 374

We have considered the desires of the officers and soldiers at Sterlin, and do return this answer:

That the imputation of neglecting all duties to religion and to the king, mentioned in the preface to the articles, cannot be charged upon us, who have never been wanting in the use of all lawful means to prosecute the ends of our solemn league and covenant; but upon those who joined in the prosecution of the late unlawful engagement against our neighbour-nation of England, which hath been destructive to all those ends.

Touching the first article, we refer you to the answer given in our former papers; and do here again declare, that we shall not challenge any of your number for their lives and estates, but shall endeavour to secure them, so far as we can, without approbation of their actions or breach of the covenant and treaties. And for that which concerns exemption from church-censures, we cannot meddle therein without breach of covenant, but must refer you to the judicatories of the kirk, to whom you make your own address, and receive answer.

Concerning the second and third article, we refer you to the answer given by our commissioners to the commissioners on your side, which was, that we held it unreasonable that they should desire any thing from us, or any other who adhere to us, for satisfaction of their officers and soldiers, because we will not involve ourselves in any thing which may import any accession to the late engagement, or may be the ground of a quarrel to England against this kingdom: but if they had real inclinations to peace, they and their adherents might without our accession thereunto take course amongst themselves for giving satisfaction to their officers and soldiers; and therefore we did desire, and do now again renew the same, that all their forces, and the forces of those who adhere unto them, may be disbanded betwixt this and the 25th, at furthest the 28th, of this month, September, and that none of them be found together after that time in troops, companies, or regiments; and we shall betwixt this and the said day disband all our forces, and none of them after that time shall be found in troops, companies, or regiments; for the punctual observance whereof on both sides mutual pledges are to be given, and further we cannot say in answer to these articles.

If you shall not agree to the desires made in our last paper of the 16th of this instant, and not rest satisfied with these answers, but shall continue in arms to the disturbance of the peace of this kingdom, and persist in the causes in the which you are now engaged, contrary to the declaration of the general assembly and their commissioners;

We do hereby certify you, that all who have been active in the late engagement, as well those in England as those in this kingdom, and all such as have or shall hereafter join with you, are to be declared enemies to both kingdoms, and that this kingdom will be necessitated to concur with the kingdom of England for punishing them accordingly as breakers of the covenant and treaties.

We leave it to you seriously to consider, whether the ways and courses you are upon be really for the good of the king and this

kingdom, or a safe way for the relief of your friends that are prisoners in England.

Signed,

By warrant and command of the noblemen, officers, and gentlemen now in arms for the covenant,

Edinb. 20th Sept. 1648. THO. HENDERSON.

93 After some days treating upon the heads wherein they dif- 375
fered, the treaty was finished upon the 26th of September, those at Sterlin yielding to the propositions made by the Whiggamors.

94 And it was agreed that the Irish army should be suffered to march to Ireland, and should have free passage thither; that none should be questioned for what was past; only that all who had been in the engagement should lay down their offices and places of trust, and not be permitted to sit in any judicatory, and that all public matters should be referred to the determination of the parliament and the general assembly.

95 It was very soon after the closing of the treaty remarked how small regard was had to it; for the troops being once dissipated, and those who were to go to Ireland being on their march thither, there came news that the garrisons of Carrick-Fergus, Belfast, and Culrain, belonging to the Scottish army in Ireland, under the command of major-general Robert Monro, were basely betrayed under trust by his own officers and countrymen into the hands of general Monk, for the parliament of England.

96 This being spread about, the people of the west country fell upon those who were returning to Ireland, plundered, abused, and dispersed them in their way betwixt Glasgow and Ayr: and after a few days a proclamation was issued out at Edinburgh, commanding all persons, who had been in the army designed by the name of *the unlawful engagement*, to remove at least twelve miles from town, under pain of imprisonment, Cromwell being on his way thither.

97 And thus ended the design of the engagement, gallantly undertaken and well contrived, but unfortunately and fatally brought to nothing. The Whiggamors having now possessed themselves of the power, their leaders did constitute themselves into a committee of estates, for hitherto they had acted in no legal character. There were divers among them who

were by authority of parliament commissionated to be of the committee of estates, but with this express provision, that they should not be capable of sitting there till they had owned the resolutions and declarations of the parliament; for divers of those who dissented were named to be of the committee, that so there might be a fair way for bringing them off from their opposition. But now all these, without regarding that provision, pretended they were a quorum of the committee of estates, and that so they were warranted by authority of parliament to act in that supreme authority. They sent a message to the king in their usual style, and were very careful to give no umbrage to the parliament of England; and so not only entertained Cromwell with all the expressions of friendship and confidence imaginable, delivering Berwick and Carlisle to him, but sent commissioners with the following instructions to the two houses:

98 You shall repair to London, and deliver our letter to the honourable houses of the parliament of England.

You shall excuse the long delay in sending to them, and in the mean time let them know we hold correspondence with the commander in chief of their forces.

You shall give them a narrative of our whole proceedings according to the declaration of the kirk, and our own; particularly you shall acquaint them with our proceedings in oppposition to the 376
late unlawful engagement, and what industry was used on the other part for the election of malignants to be members of parliament, and how unlawfully some were admitted to sit in parliament; and great numbers of malignants were brought in from England to overawe the honest party, and how many of the army were corrupted.

And you shall further represent particularly the great sufferings and oppressions of honest men, and that before they heard any thing of the defeat of the forces under duke Hamilton in England, they had resolved on the manner and time of their rising in arms here in this kingdom, against the promoters and abettors of that engagement, and their adherents. You shall also shew them the result of the treaty betwixt us and those armies about Sterlin, and how useful their forces have been to us by being at so near a distance.

You shall endeavour to take away all misinformation or misconstructions of any of our former proceedings, and settle a good understanding betwixt them and the honest protesting party in Scotland: and you shall shew them the continued evil principles, malice, and

designs of the malignant party in this kingdom, yet to trouble our peace and interrupt theirs, and as they call it, not to live and outlive the not carrying on so pious and loyal an engagement: and that some of them are going to Holland with an intention, as we are informed, to bring over forces if they can: therefore we have caused deliver Berwick to be disposed of for the good of both kingdoms, and given the like warrant for Carlisle; and that it is also surrendered or presently to surrender for the use foresaid. So we agree during these troubles, until the peace of this kingdom be settled, that the honourable houses may keep some forces upon the borders, and sufficient garrisons in them both, upon a twofold assurance: first, that in case any new troubles be raised in Scotland by the malignants, both they and the forces about Newcastle have directions from the parliament to come unto Scotland, to pursue the common enemy when they shall be desired by the committee of estates, as it is now constituted of the protesting party in Scotland: and secondly, that the parliament shall remove all garrisons out of those two towns, and from our borders, and put them in the condition agreed on by the treaties betwixt both kingdoms, whensoever the troubles are at an end, and the peace of the kingdoms settled.

You shall shew how desirous and willing we are to hearken to any good overture that may conduce to prevent any such-like breaches again betwixt the two nations, and that it may not be in the power of malignants again either to seduce or to enforce upon the people the like sin and snare; and for mutual consultation, we think it expedient both that they should have some honest noblemen, commissioners, here to reside at Edinburgh, and that we shall have some at London, that by commutation of counsels our common peace may be the better settled and continued.

You shall try if the treaty betwixt the king's majesty and the two houses of parliament be like to take effect, and shall study to preserve the interest of this kingdom in the matter of the settling of the peace of these kingdoms: and if you shall find there are real grounds to hope an agreement betwixt the king and the two houses, in respect both kingdoms are engaged in the same cause and covenant, and have been and still are under the same dangers, and to the end our peace may be more durable, you shall endeavour that before any agreement of peace be made we may be first acquainted therewith, 377
that we may send up commissions in relation to the treaty with the king, upon the propositions, and in relation to mutual advice, for the settling of the peace of these kingdoms, and accordingly as you find the two houses inclined therein you shall give us advertisement.

You shall, according as upon the place it shall be found expedient, present the same desires to the two houses of parliament in name of this kingdom, touching the work of reformation, as shall be presented to them from this kirk.

You shall assist Mr. Blair in this employment, and take his advice and assistance in yours, and give us advertisement weekly how all matters go.

You shall publish all papers, either concerning the proceedings of the church or of the protestors, which are necessary to be known.

You shall endeavour to keep a good understanding betwixt us and the city, and the assembly of divines, and strive to remove all jealousies betwixt us and them, or betwixt honest men amongst themselves.

You shall endeavour that honest men who have suffered for opposing the engagement be not prejudiced, but furthered in payment of the sums assigned unto them before the engagement out of the two hundred thousand pound sterling, and brotherly assistance for public debts or losses.

You shall acquaint the speakers of both houses with his majesty's letter to this committee, and our answer sent to him.

You shall desire that the noblemen and gentlemen of quality, and considerable officers of the army that went into England under the duke of Hamilton, and which are now there prisoners, may be kept as pledges of the peace of the kingdoms, especially to prevent a new disturbance in this kingdom, or trouble from this kingdom to England, until the peace of both be settled.

You shall acquaint the two houses with our answer to that of L. general Cromwell's of the sixth of this instant, and make use of the grounds therein mentioned as you shall find occasion.

99 Their next care was to look well to Lanerick and the other engagers, lest they should attempt somewhat against them; the account of which shall be set down in a letter Lanerick wrote to the lord chancellor when he left Scotland. For in the end of January the earl of Lauderdale came from Holland, being commanded by the prince to see what might be done there: but he found all so discouraged and overpowered, that no good was to be expected; and he got advertisement from the lord Balmerino, that they designed to secure both Lanerick and himself, and, as it was believed, would deliver them up to the parliament of England as incendiaries; whereupon they both resolved to go beyond sea, in the same ship in which

Lauderdale came, and to offer their service to the prince. The letter follows:

100 My Lord,

Albeit the proceedings of the late committee, constituted of dissenters, against me, was without precedent in confining me, a free subject, (who was neither guilty, nor so much as accused of any guilt 378
or breach of the laws of the kingdom,) for declining to sign a declaration and bond, which even they themselves conceived (in justice) they could not enjoin me to sign: yet I did submit, and went not without the bounds limited for my confinement, until I was certainly informed that upon Wednesday last, at a private and select committee, it was resolved I should instantly be committed, and the little liberty left me taken from me; for it seems that these private persons (I speak not of judicatories) who procured the severe instructions given those employed to London, against my brother the duke of Hamilton, and the many noble and gallant persons who are now in bonds with him for their loyal endeavours to have rescued his majesty from being murdered, are not satisfied, or think themselves secure, while any enjoy their liberties, who would have been instruments in that pious duty to our sovereign; therefore I am forced to seek shelter and protection abroad, since innocency and law, and even treaties and public engagements, prove now too weak grounds for securing me at home. And though this rigid and unparalleled procedure against me might have tempted the dullest and calmest nature to some desperation, yet I have still preferred the peace and quiet of Scotland to all my own interests; and I do ingenuously declare upon my honour unto your lordship, that I neither have had, neither do I know of any design from abroad or at home of interrupting the same: and now in whatsoever corner of the world it shall please the Lord to throw me, as I shall endeavour (by his assistance) to maintain my loyalty to my prince untainted, so I shall still preserve a perfect affection to the peace and happiness of my country. My prayers to God shall be, that it may yet be instrumental of advancing the work of reformation, and so fixing the crowns of these kingdoms upon the head of our sovereign lord the king, and of his royal progeny after him, that faction and rebellion may never be able to shake or interrupt their government; that loyalty may lose the name of malignancy, and a good Christian may with safety and without scandal be and profess to be a good subject; that the acts of unquestionable parliaments, and the decrees of other sovereign judicatories of this kingdom, may be security sufficient to the subjects to govern their civil actions by; that they may be free

of arbitrary exactions and impositions, and may enjoy with truth and peace their estates and liberties, without the tyrannous encroachments of great men, and other empowered persons: and I am confident that the God of heaven, who will judge all the judges on earth, will avenge the wrongs of the oppressed, and in his own time restore me again to my country, who am now forced by unjust persecution to flee from it. This I shall patiently wait for, and give your lordship no more trouble, but desire you to make what use of this you think fit, from,

My lord,
Your lordship's most humble servant,
LANERICK.

Dirleton,
25th January, 1649.

101 But now I return to prosecute what remains to be said of the duke.

ANNO 1649. 379

102 On the 4th of December orders were sent to bring him to Windsor, and he came thither the 11th of that month. He was lodged in the house of one of the poor knights of Windsor, and kept under strict guards; yet on the 21st of that month, as the king was carried through Windsor, he prevailed so far with his keepers as to permit him to see his majesty: and as he passed he kneeled down, and with a transport of humble sorrow kissed his hand, and had only time to say, *My dear master!* the king embraced him very kindly, and said, *I have been so indeed to you:* but they were parted, and suffered to have no discourse. It may easily be imagined with what sorrow he followed the king with his eyes as far as he could see him, knowing he was to do so no more: nor did he much regrate his present trouble or imminent danger, all his thoughts being swallowed up in sorrow at the consideration of his master's ruin, which was then no more to be doubted; the army and house (as it was then modelled, or rather forced) having avowed their design against his person, and thrown off the disguise with which they had long masked themselves.

103 The parliament of England had upon the matter condemned the duke to perpetual imprisonment, by setting an hundred thousand pound sterling for his ransom, which sum could not be raised by him at a time when by the debts he had contracted in the king's service his fortune was fallen so low.

Cromwell came several times to him, to draw from him some discoveries of his correspondents in England, and gave him great assurances of life, rewards, and secrecy; but he rejected the proposition with horror and disdain, though often repeated; and apprehending they might get his brother into their hands, sent him at that time the following note, which I set down though unfinished, and written with the juice of a lemon:

I under the power of the sword and merciless men, no favour to be expected, oft examined, but nothing discovered, being ignorant: perhaps you will abide the same trial; beware, if you do.

104 The 30th of January was that fatal and never-to-be-forgotten day wherein his sacred majesty, after the pageantry of a trial, to add the appearance of justice to so base and barbarous a murder, was beheaded, to the amazement of all Europe, by an unexampled practice in any monarchy. But the particulars of his royal constancy and Christian patience being so punctually related by others, I shall not stand to repeat what is already known: but having proposed to myself nothing more in this whole work, than to let the world see the great piety and strictness of conscience that blessed prince carried along with him in all his affairs, and to publish such remains of his pen as had not been formerly seen or known. I shall therefore insert a copy of verses written by his majesty in his captivity, which a very worthy gentleman, who had the honour of waiting on him then, and was much trusted by him, copied out from the original, who avoucheth it to be a true copy.

MAJESTY IN MISERY; 381

OR, AN IMPLORATION TO THE KING OF KINGS.

Written by his late majesty king Charles the First, during his captivity at Carisbrook Castle, anno Dom. 1648.

1

Great Monarch of the world, from whose power springs
The potency and power of kings,
Record the royal woe my suffering sings;

2

And teach my tongue, that ever did confine
Its faculties in truth's seraphic line,
To track the treasons of thy foes and mine.

3
Nature and law, by thy divine decree
(The only root of righteous royalty)
With this dim diadem invested me,

4
With it, the sacred sceptre, purple robe,
The holy unction, and the royal globe :
Yet am I levelled with the life of Job.

5
The fiercest furies, that do daily tread
Upon my grief, my gray dis-crowned head,
Are those that owe my bounty for their bread.

6
They raise a war, and christen it *the cause*,
Whilst sacrilegious hands have best applause,
Plunder and murder are the kingdom's laws ;

7
Tyranny bears the title of *taxation*,
Revenge and robbery are *reformation*,
Oppression gains the name of *sequestration*.

8
My loyal subjects who in this bad season 382
Attend me (by the law of God and reason)
They dare impeach, and punish for high treason.

9
Next at the clergy do their furies frown,
Pious episcopacy must go down,
They will destroy the crosier and the crown.

10
Churchmen are chained, and schismatics are freed,
Mechanics preach, and holy fathers bleed,
The crown is crucified with the creed.

11
The church of England doth all faction foster,
The pulpit is usurp'd by each impostor,
Ex-tempore excludes the *Pater-noster*.

12
The Presbyter and Independent seed
Springs with broad blades; to make religion bleed,
Herod and Pontius Pilate are agreed.

13
The corner-stone's misplaced by every pavier ;
With such a bloody method and behaviour
Their ancestors did crucify our Saviour.

14
My royal consort, from whose fruitful womb
So many princes legally have come,
Is forc'd in pilgrimage to seek a tomb.

15
Great Britain's heir is forced into France,
Whilst on his father's head his foes advance:
Poor child! he weeps out his inheritance.

16
With my own power my majesty they wound,
In the king's name the king himself 's uncrown'd:
So doth the dust destroy the diamond.

17 383
With propositions daily they enchant
My people's ears, such as do reason daunt,
And the Almighty will not let me grant.

18
They promise to erect my royal stem,
To make me great, t'advance my diadem,
If I will first fall down and worship them;

19
But for refusal they devour my thrones,
Distress my children, and destroy my bones;
I fear they'll force me to make bread of stones.

20
My life they prize at such a slender rate,
That in my absence they draw bills of hate,
To prove the king a traitor to the state.

21
Felons obtain more privilege than I,
They are allow'd to answer ere they die,
'Tis death for me to ask the reason why.

22
But, sacred Saviour, with thy words I woo
Thee to forgive, and not be bitter to
Such as thou know'st do not know what they do.

23
For since they from their Lord are so disjointed,
As to contemn those edicts he appointed,
How can they prize the power of his Anointed?

Augment

24

Augment my patience, nullify my hate,
Preserve my issue, and inspire my mate,
Yet though we perish, bless this church and state.

Vota dabunt quæ bella negarunt.

105 But I go on from this sad subject to the tragical conclusion 384
of the duke's life.

106 The news of that murder sunk the duke's thoughts into a deep sorrow, which he carried with him to his grave: he well saw his own danger, knowing that those who had broken all the bonds of loyalty and duty were not to tie themselves to the faith of a capitulation or articles, though granted by a person empowered by them; and therefore he designed an escape from Windsor that night, which was contrived by his faithful servant Mr. Cole, afterwards one of the king's querries, who during his imprisonment had liberty to go and return from London, which he did very frequently, bringing him an account of what passed. And the duke having gained his keeper, ordered Mr. Cole to send a trusty servant with two horses to Windsor; which accordingly he did; advertising the duke not to come to the city till seven o'clock in the morning, and then Mr. Cole was to come to him near London, and bring him to some secure house in the city; whereupon at night, about the time of shutting the gates, the duke made his escape freely out of the castle, without suspicion, and came to the place appointed, where his servant and horses waited for him. But he fatally went from the resolutions he had laid down with Mr. Cole, and would needs go in the night to Southwark, thinking to have got to Mr. Owen's house, who was acquainted with the business; not considering what had been told him of the guards that were about the city all the night, so that there was no coming to it but in the day: and all things concurring to hasten him to his grave, there was that night a party of horse and foot in Southwark searching for sir Lewis Dyves and another, who had escaped the night before. Some of them meeting the duke in the streets about four in the morning, where he had long knocked at a door, took him and examined him: he told them a very formal story of himself and his business, which at first satisfied them; but they observed, that as he took a pipe of tobacco by them, he burned several great

papers to fire it; whereupon they searched him, and found such papers about him as discovered him. It was not before the next morning that he was missed at Windsor, for that night he made his escape there came an order from Cromwell to the governor of Windsor to make him close prisoner, and put all his servants from him, who thereupon ordered the captain of the guard to go about it; but he hearing the duke was a-bed, delayed it till next morning, and then found he was gone. It being discovered that Mr. Cole had ordered the duke's escape, many advised him to go out of the way; but he resolved rather to die than to leave his master at such a time, and made a shift to come at him that same evening. When the duke saw him, he lifted up his hands, and said, *It was God's will it should be thus.* That night Mr. Cole was also taken, and sir Hardress Waller examined him, but drew nothing from him, whereupon he was made close prisoner; yet when the duke was brought to his trial he procured his liberty, for the averment of some particulars of his plea.

107 The duke being thus unfortunately retaken, he was committed to prison at St. James's, in the same room where the earl of Norwich, the lord Capel, and sir John Owen were prisoners, and then all saw in what danger his life was: whereupon great endeavours were used and strong applications made in Scotland to the marquis of Argyle, who had then the chief power there, that the committee of estates 385
would so far study his preservation, as to own that what he did was by the authority of that kingdom, that so, whatever other punishment they would lay on him, his life might not go for it: and it had been faithfully promised by all the leaders of that party, at the pacification at Sterlin, either to save his life, or to make his death a national quarrel. But the marquis of Argyle would not interpose; and though the duke's daughter, the present duchess of Hamilton, left no means unessayed to prevail on him, yet all was in vain, for he pretended that since those in England had murdered their king, notwithstanding their commissioners' protesting against it, it was not to be expected their interposition in other things could be of any weight, nor was it fit they should any more address to the murderers of their sovereign. So all hopes of any mediation that way failed; and not only that, but Lambert being pre-

vailed on by the offer of a good sum to claim the duke as his prisoner, some letters came from Scotland about it, upon which Lambert was advised not to insist on that demand. This was vouched to the writer from several hands, who had it both from Lambert himself and some other considerable men in the two houses.

108 But now his majesty's blood not having satisfied the cruelty of the new usurpers, their next design was against those who had served him faithfully; and therefore the duke was brought to his trial, and honoured to be the first of those who followed his master in that glorious martyrdom.

109 The usurpers ordained the pretended court of justice to proceed against him: so in the 6th of February he was brought to a trial. It will not be hard to persuade the reader, without further inquiry, that those who embrued their hands in the blood of their sovereign, thereby breaking loose from all ties sacred and human, could not stand much at the effusion of meaner blood; no, their consciences were seared with their former crime, so that nothing sould be so wicked but they were stout enough for attempting it: yet they chose to varnish over their perfidious cruelty with some colours and appearances of justice; but the disguise was so thin, that it served them to no other purpose but to add hypocrisy to their former villainy: which will evidently appear from the following trial, drawn partly from the journal of the court, and partly from notes of what passed, taken by some eyewitnesses. Steel and Cook, the counsel for the people of England, did exhibit on the 6th of February, being Friday, the following charge:

110 That the earl of Cambridge, about the 19th of July last, traitorously invaded this nation in a hostile manner, and levied war to assist the king against the kingdom and people of England, and had committed sundry murders, outrages, rapines, wastes, and spoils upon the said people; and particularly about the 20th of August, near Preston, did make war, join battle and fight against the forces of the parliament, and therein did murder and kill colonel Thornley and others.

111 To this the duke put in the declinator and special plea following, intending at last to answer the charge, if the plea was not sufficient, having first told the court, he was better known by another name than the earl of Cambridge. His plea con- 386
sisted of three heads. First, he pleaded this his undertaking

that employment was by command of the parliament and supreme authority of the kingdom of Scotland, for such ends as he conceived were good and justifiable, and in no way derogatory to the peace and happiness of these dominions; that he did earnestly endeavour to decline it, but that not being accepted of, he could not disobey their commands without incurring the severest censures. Secondly, that he was born in Scotland before the naturalization of his father in England, therefore he conceived himself an alien, and not triable in England. Thirdly, that he had rendered himself prisoner upon capitulation and articles with those who had major-general Lambert's commission; and that by these he was, first, a prisoner of war; next, his life and the safety of his person was secured to him by the articles which were signed by the commissioners of both sides, before he was their prisoner, and that they could fasten neither a breach nor non-performance on him. Upon this the counsel of the people caused the act of his father's naturalization to be read, and spake a little to aggravate and set out his fact; but he desired a convenient time to procure papers, witnesses, and other evidences material to his plea, which he said was seldom denied to any in that condition; and it is well known to many there, how that since the beginning of this parliament many weeks were granted to an eminent man upon his trial (by whom he meant the earl of Strafford, who had time allowed him to send to Ireland). The court adjourned to the next day without giving him any satisfactory answer. But the duke's carriage and discourse that day gained much on all the spectators, being so serene and calm, that his very enemies did applaud it.

112 Saturday the 10th, in the evening, his grace was again brought to the bar, and he desired counsel, which was granted; and it was referred to him, whether the court or himself should name them, which he then passed over, and without much speaking on either side the court adjourned, notice being given him that he must appear again on Tuesday the 13th; but no order being issued forth for counsel, some counsel who were dealt with did decline the employment.

113 Tuesday the 13th, his grace being brought again to the bar, desired a longer time, since notwithstanding serious means had been used, no lawyer would be his counsel without the

court's orders. This was granted by the president after some expostulation, and upon his grace's nomination, Mr. Chute, Mr. Hales, Mr. Parsons, and Dr. Walker were assigned him for counsel, to have free access to him, in the presence and hearing of some of his keepers, and to be ready against Thursday following to maintain his plea, upon which the court adjourned till the 15th.

114 Thursday the 15th, his grace being again brought before the court, declared that their order being offered to his counsel, they all found themselves unable to plead for him, or to do what was otherwise fitting, and so had refused to come and speak with him at St. James's. The court objected the time they had already granted, and alleged this was a mere delay: but his grace protested it was true, and offered one of his servants to attest it. Doctor Walker in court declared he would not be of his counsel, by reason of his employment under the parliament. His grace desired a convenient time, as was usual in the like cases, not only in respect of his lawyers, but that he might send to Scotland and other remote 387
places for witnesses and evidences necessary for his defence; since no prejudice could come by that delay, and this was denied to none in trial for life, and had been granted to Mac-Guire and Mac-Hun, two Irishmen. But for his counsel the court ordained, that any of the six he should name might be authorized to advise with him in private, and to speak in court in the matter of law arising out of the fact of the plea, after the matter of fact was handled, which his grace was to maintain next Saturday. And for the time he craved, they said, he looked on the unreasonable time was granted to Strafford and Canterbury, those grand offenders, with whom he had been too familiar, as precedents; but those were precedents without a precedent, and none were to expect the like at this time, especially since there were now so many prisoners to be tried.

115 Saturday the 17th his grace was brought to the court with some witnesses, his counsel being near but not present; and in order to the parts of his plea, he first produced duplicates of the commission and orders from the parliament of Scotland and committee of estates there. The court demanded evidence for both; his grace answered, were time granted he

would not only sufficiently prove these, but many other points belonging to his justification: but the court answered, that unless they were presently attested *viva voce* they would not suffer them to be read. Whereupon his grace desired that his servant Mr. Lewis might be examined, whose testimony was accepted, and the papers he produced were received for evidences and read. Next, the declaration containing the ends of the engagement was read, and being proved by the same witness was left in court with the former papers. Then the court upon his grace's desire produced the original articles of capitulation, which were read; and Mr. Cole proved he saw them delivered to his grace about nine in the morning, before the lord Gray came in.

116 The lord Gray deposed, that two several summons, which were sent by him to his grace to yield upon mercy, were both answered negatively in respect of the cessation and treaty; that by a letter from Cromwell, dated Warrington, August 20th, he was enjoined to pursue the Scottish forces with all vigour; that he had received letters from the Staffordshire gentlemen with whom the cessation begun, intimating that they had condescended to it on purpose to gain a few days' time to strengthen themselves, in regard the Scots were so numerous; and that he despatched away Wayte and Peters that morning in which the treaty ended to protest against it.

117 Peters was next examined, and answered, that going that morning to protest, by order from the lord Gray, he came accidentally to the duke, where he found the hostages in his chamber, and asked if he was willing to be the lord Gray's prisoner, who answered, he could not, in regard of the treaty; but if he were afterwards to be disposed of, he had rather be his lordship's prisoner than any other's, being of his acquaintance; that he had seen the summons, and the negative answer to them: that this was about five in the morning; and that Wayte and he went a part of the way towards the place of treaty, where he heard the articles were concluded.

118 Lilburn was next examined, who deposed, that the articles were signed by himself, and the other treaties, about five in 388
the morning, and were to be ratified by the duke and Lambert; and that his own meaning of preserving the duke's life (he knew not how the rest meant) was only to preserve him

from the violence of the soldiers, and not from the justice of the parliament. At this Peters rose up, expressing great dislike of Lilburn's gloss, saying, that much tenderness was to be used where the life of so eminent a person was concerned; that he had seen many articles of war, but had never heard of such ambiguity, and that it was clear by those articles the duke held his life secured, as well from the parliament as the soldiers; and wished to God that if their commissioners had meant otherwise, it had been so expressed in the articles, it being most necessary that articles were clear in a concernment of life. The president answered, *You say well for the future, but it is now too late.*

119 His grace resumed what had been said, and spoke much on the articles for weakening Lilburn's gloss.

120 Next the governor and marshal of Windsor were examined about his escape from Windsor-castle: the governor deposed, that the duke said to him he needed not fear his escape, he would be a true prisoner, and not go away though the gates were opened. The marshal said, he only heard this from the governor.

121 The duke expressed a deep resentment of this injury done him by the governor, who wounded his honour so much, which he valued above all earthly things: and did shew how unlike it was that any such thing was either demanded or granted, since that is only done for a little more liberty, whereas he was all the while kept under strict guards; nor had he the liberty of walking in the park, but was always guarded by two keepers, the one lying all night in the room next him, and the other every night locking the door, and carrying the key with him; that the governor's testimony in this matter was not to be received, he being a party, and now in hazard for his negligence, for he was told that if he escaped he should die for it: adding, that if he were not a prisoner, he would desire right of the governor for that scandal cast on him, and choose no other place for it but Westminster-hall. But to all this the governor made no reply; only the president said, that though he could not blame the earl of Cambridge for what he said, yet, for all that, the governor was not to be discredited.

122 After this the duke spake a little to all the three branches of his plea, reserving the fuller enlarging upon them to his

counsel. He insisted most on the articles, which he doubted not were sufficient to protect him; he desired them to consider how sacred articles of war were reputed in all places and among all nations, and how inviolably they were kept, all princes and states being most careful to observe them, not only to strangers, but to subjects; having great regard to articles, though only for quarter, much more when there was a capitulation for life, adding the following instances: Elisha the prophet would not suffer the king of Israel to kill the Syrian captains, saying, *Wouldst thou smite those whom thou hast taken captive with thy sword and thy bow?* The blood of Abner lay on Joab's head, who killed one that had the king's safe-conduct. The Gibeonites also, though they used Joshua deceitfully, yet were preserved according to the articles given 389
them; and not only Saul's house, but the whole land suffered for the violation of them. That prince Robert and the lord Cottington, though excepted from life or pardon by act of parliament, were notwithstanding that, upon the articles of the rendition of Oxford, permitted to go beyond sea, and never questioned for life; and the like justice was done the earl of Bristol and the lord Paulet, upon the articles of the surrender of Exeter, though both were excepted from pardon; and that the lord Fairfax and the officers of the army were most careful to see articles always kept, in which they judged their honour deeply concerned, and had often written to the parliament to that end: therefore he did not doubt the like justice would be done him. By this time it was late, and the president appointed Monday next for the duke to finish his plea in matter of fact, ordering his counsel to be in the court for their better information; and so they adjourned.

123 Monday the 19th the duke and his counsel were brought to the bar. Colonel Wayte was examined, who deposed, that the duke rendered himself to be the lord Gray's prisoner, and desired Wayte to protect him from the multitude, who thereupon left a guard at his going away. But during his deposition Peters said, *He lies, he lies;* and Peters, Spencer, and other officers who were with Wayte at Utoxeter, being examined, did totally falsify his deposition. Divers were also that day examined about the place of the duke's birth, who all swore they heard it always said that he was born at

Hamilton, and that it was not a thing to be doubted of: others were examined about the signing of the articles, who all witnessed that they were signed long before the lord Gray came; and major Blackmore deponed, that the duke's being the lord Gray's prisoner was by an agreement betwixt him and Lambert, whose occasions pressed him to go suddenly northward.

124 After this the duke spake a little, to shew how little weight was to be laid on Wayte's testimony, which was so evidently disproved. Next, his counsel asked the court's directions how they should proceed; and the court answered, that after the matter of fact was handled, they might plead in law upon all the parts of the plea: and they told the duke by the next Wednesday to finish his evidence.

125 He desired a warrant for bringing some gentlemen, then prisoners in Whitehall, who were his material witnesses: but the court adjourned, and promised to consider of that motion in the painted chamber; yet they granted it not.

126 Wednesday the 21st the court sat, and the duke was brought to the bar. Some were interrogated about the time of his birth to prove him *post-natus:* but it was not proved, one person only swearing that he heard him say he was some years younger than the king. Evidence was also brought of his conjunction with Langdale, which they accounted treason; yet even that was not clearly proved, though it was much laboured. Some letters of his to Langdale had been taken, and were brought into court: but as the letters proved no conjunction, so it did not appear that they were his letters; only Peters asserted they were like his hand. Then a vote of the two houses was read, repealing a former vote of setting an hundred thousand pounds sterling upon him for ransom; and proof was brought, that notwithstanding articles were given, yet some had been forced to take the negative oath, 390
and thereby they studied to evince that the parliament did not hold themselves bound to stand to articles.

127 After this his grace resumed the substance of all those evidences, and shewed that it was not proved he was a *post-natus*, nor that he joined with sir Marmaduke Langdale, who neither received orders nor the word from him, but marched and quartered apart; and that though he had done otherwise,

it could not be criminal in him, since he had no orders to the contrary from the parliament of Scotland, but was commanded by them to join with all who would concur with him for prosecuting the ends of the engagement, of which sir Marmaduke approving, he had no reason to refuse concurrence with him; neither could this be made treason by the law of England: of all which it seemed the parliament was once well satisfied, since by a vote they had fined him in an hundred thousand pounds sterling, as the price of his liberty; by which it appeared they looked not on him as a traitor, but as an enemy who had life granted him by articles.

128 Upon this the court adjourned till Thursday the 22d, and his counsel were appointed to plead, and he was to close his evidence. The duke was brought to the bar, and by divers witnesses it was proved, that there was no rendition made to the lord Gray, but a plain refusal, and that the treaty was ended, the articles signed, and Lambert come up, before the lord Gray came thither. There was also produced an order of parliament, made four years before, that no quarters should be given to any of the Irish in arms, which inferred that others might have them; and another order was read of the 14th July last, declaring all the Scots who entered England enemies, and all the English and Irish who assisted them traitors; and with this he closed his evidence: and since he was not to be suffered to speak any more, he enlarged on all the parts of his plea, and spake at length as follows:

129 That he was sent by the kingdom of Scotland, which was a free kingdom, and independent on England; that he having had his birth, honour, and fortune there, was bound to give obedience to their orders; that for himself, he had lived much out of business, and was seldom in public trust in that kingdom, nor very desirous of any; but that being commanded to undertake the charge of general, for ends which he conceived lawful, and no way contrary to the peace or interest of England, he was obliged to follow their orders; and that by some papers emitted by the parliament of England against that expedition, they declared they looked on it as a national breach, whereby Scotland had violated their leagues and treaties with them, so that it was no private act of his; that the entering of the Scottish army into England anno 1640

was accounted no invasion nor treason, but on the contrary was acceptable to this kingdom, which gave a brotherly assistance for it: and that the late unfortunate army was designed fully for as good ends, and would have been so looked on had it prospered. And for his joining with sir Marmaduke Langdale, he answered it as was before set down. Therefore he being taken prisoner in such a war, he conceived it without a precedent that he should be tried for his life, for serving his native kingdom in an open war. As for his being an alien, he referred that to his counsel, but said it was undeniable he was born in Scotland, nor was he proved a *post-natus;* he was also born before his father's naturalization, 391
and so not included in it, and his own naturalization had been in agitation in the beginning of this parliament: that his sitting in parliament did not conclude him an English earl, for if questioned, he might probably have been expelled out of the house of peers, as his countryman Mr. Walter Stuart was out of the house of commons: and that his being an earl did not naturalize him, that being the king's single act, whereas naturalization was only by act of parliament. As for the articles, it was clear that Lambert, being a general officer, commissionated by parliament, was empowered to capitulate both by the parliament and by Cromwell, the lord Gray having no authority from the parliament, but only from Cromwell's letter: that he became the lord Gray's prisoner only by Lambert's order, and that he made no surrender till the articles were signed and delivered: that though the lord Gray had protested against it, (and yet only an intention to do it was proved,) he was not concerned in it, nor bound to take notice of it, Lambert being the parliament's officer, and sent against him by them. That articles were to be expounded by their plain meaning, and not by any mental reserves pretended by the commissioners; that by the first article he was a prisoner of war, and that it was seldom known that the life of any such was taken; and that by the second article, life and safety of person were expressly secured without any exception: that if articles were now violated, it would make the sequel of the wars, if any more followed, a downright butchery, since none would any more trust to a capitulation which mischief he prayed God to avert. That his escape out of prison was

no breach, he being only bound by the articles to deliver himself prisoner, which he did, but not to continue so: and he concluded, that he was confident, had he no better plea, his articles were sufficient, according to the laws of all nations, to preserve his life.

130 Then the president asked him if he had any thing to say as he was earl of Cambridge: whereupon he and his counsel moved, that if what he had said and proved was not satisfactory for the averment of his plea, he might answer the charge exhibited, which he had not yet done. But to this neither the court nor their counsel would yield, though they gave no reason for it, save only that it implied a desire of delay: but the reason, as was said, was, that they knew had they yielded to that the charge had been overthrown, since the law of England does not admit that to be treason which they charged on him, that he had assisted the king against the kingdom and people by levying war. Then the court told his counsel, that Saturday was the longest time they allowed them for performing their part: but the counsel answered, that it was impossible for them to undertake it, and discharge their consciences to their client, having so short a time allowed them; there being a necessity of searching divers records for precedents, which required a competent time, as had been allowed in former cases: but the court refused to promise it, only they said they would take it into their consideration. The counsel insisted, and said plainly, they declined the employment on those terms, and would be forced to declare it.

131 Monday the 26th the other two officers that had signed the capitulation for the duke and his troops, who had been sent for a great way off, were examined, who agreed with the former witnesses in matters of fact, and also with Lilburn, 392
that by signing the articles they only meant the duke should be preserved from the violence of the soldiers, and not from the justice of the parliament. Then the counsel began to plead, and all four spoke on the several heads of the plea. Mr. Heron spoke cursorily and elegantly, but not very materially: Mr. Parsons, a young man, spoke boldly, and to good purpose: Mr. Chute, the civilian, spoke learnedly and home: and Mr. Hales, (since the much renowned lord chief justice of

the king's bench,) elaborately and at length. The heads of their arguments follow.

132 The duke being, as was granted, a born Scotchman, his tie of obligation and subjection to that kingdom was indispensable and indissoluble, so that his late employment could not be refused when laid on him by the authority of that kingdom, no more than a native of England, living in it, can disobey the commands of this parliament; whereas any subjection the duke owed the parliament of England was only acquired and dispensable: that since no man can be a subject of two kingdoms, whatever tie lay on him to the kingdom of England, it was not to be put in competition with what he owed Scotland, it being a maxim in law, that *major relatio trahit ad se minorem*, and that *jus originis nemo mutare potest:* that there was an allegiance due to the king and another to the kingdom, and no treason could be without a breach of faith and allegiance due to them against whom it was committed, for these kingdoms were two distinct kingdoms; and though the allegiance due to the king was the same in both kingdoms, yet that due to the kingdoms was distinct: nor was the actual administration of the kingdoms in the king's person when the duke got his employment; therefore, as his allegiance to the kingdom of Scotland was ancienter and stronger than any tie that lay on him in England, so what he did by their order might well make him an enemy to this kingdom, but could not infer treason. Yet all this of the allegiance due to the kingdom was founded on no common or statute law, as Mr. Hales himself confessed afterwards: but he urged this well against those who asserted it, it being the universally received maxim at that time.

133 That whether he was a *post-natus* or *ante-natus* did not appear: but though he were, it did not vary the case, nor his obligation to the place of his nativity; and so, though he were *post-natus*, or accounted a denizen by his father's naturalization, his offence could not be treason, but hostility at most, and by that supposed hostility he could only lose his privilege of a denizen, but could not be made a traitor, there being no precedent where ever any man was attainted of treason for a hostile invasion; and it was questionable if this offence could amount to that: nor could any case be alleged where one

born in another independent kingdom, acting by a commission from that kingdom, and residing there when he received his commission, and raising the body of his army in that kingdom, and coming into this in an open hostile manner, was ever judged guilty of treason. Naturalization was intended to be a benefit and not a snare, so that one might well lose it, but was not to be punished for it. And so when France and England were under one sovereign, divers of both nations were naturalized in the other; yet when hostility broke out betwixt them, many so naturalized fought on the side of their native kingdom, for which none were put to death, though divers were taken prisoners. And in Edward the Third's time, though 393
he claimed France as his by right, yet when the constable of France invaded England, and was taken prisoner, he was not tried, nor put to death, but sent back to France, as being a native of that kingdom. And when David Bruce, king of Scotland, invaded this kingdom, and was taken prisoner, great endeavours were used to find a legal ground for his trial, he being earl of Huntington in England; but this plea was waved, for it was found that it could not be done justly, that being but a less degree of honour, though king Edward claimed a kind of homage from the crown of Scotland. That if the duke were on that account put to death, it might prove of sad consequence, in case there was war any more betwixt the kingdoms; since most of the present generation were *post-nati*, and all would be so quickly; and yet if the lord Fairfax, who was both a *post-natus* and had his honour in Scotland, were commanded to lead an army thither, and being taken were put to death, it would be thought hard measure. For the duke's father's naturalization, it was true, by the statute of the 25 Edward III, provision was made that children born without the kingdom, whose parents were then in the king's allegiance, should be denizens: but the duke was born before his father's naturalization, which can never reach him, none but the issue after his father's naturalization being included within it; and the word *hæres* in the act is only a word of limitation, and not of creation: nor did his making use of the assistance of some English forces make him a traitor. It is true, if an Englishman conduct a foreign army, or if a foreigner come of his own head, or in a rebellious way, to assist an English

rebellion, it will amount to treason: for the act of such an alien is denominated from the crime of those he assists here, where he owed a local obedience, which was the case of Shirley the Frenchman and of Lopez: but if an alien come with a foreign force, though he make use of English auxiliaries, that only infers a hostility, but no treason; and was the case of the lord Harris a Scotchman, 15 Eliz., and of Perkin Warbeck, both having English help: and though Warbeck was put to death, it was by no civil judicatory, but only by the will of Henry the VIIth, who erected a court-martial for that purpose. The present case was yet clearer, where the alien had authority from his native kingdom, and was commanded by them to make use of English help: so that though Langdale's assisting the duke did make himself a traitor, yet the duke's accepting of it only infers an act of hostility. And whereas it was objected, that the parliament had already by their act, which constituted this court for his trial, declared him a traitor; it was not to be disputed what the parliament had power to do, but no parliament had ever done the like before: and the meaning of the act must be, that he should be tried whether guilty of treason or not, since if the parliament hath already declared him a traitor further trial was needless. And it was clear, the parliament by their act in July last, which declared all the Scots who entered England enemies, considered not the distinction of *post-nati*, nor judged that inferred treason, since most of them all were *post-nati*; that many of the officers of that army, who had been taken prisoners, though clearly *post-nati*, were ransomed, others banished, others still in prison; why then should the imputation of treason be fastened on the duke, when the rest were used only as enemies?

134 And for the articles, they made it appear they were the 394
public faith of the kingdom, when given by persons publicly authorized, upon the observing of which inviolably depended the whole intercourse of all nations, and their mutual confidence, which is founded on all states being bound by the acts of their public ministers; that this was not a pure rendition, but a paction concluded upon deliberation, wherein the parliament lost nothing, but on the contrary were gainers; that the parliament had ratified this upon the matter, by voting a hundred thousand pound sterling fine to be the price of the

duke's liberty; that the secret sense the treaters pretended was not to be considered; since all compacts are to be understood according to the clear meaning of the words, and the universal sense of mankind, who look on articles wherein life is granted as a sufficient security, not only from the soldiers, but from the civil powers; and that these treaters, when the articles were agreed, should have made known their secret meaning, otherwise it was not to be regarded: and it was a most dangerous precedent to admit of collateral averments of secret meanings against express words, much more in a case of life; and yet much more in military agreements, wherein the concernments of armies and nations were included, and which concerned the honour and security of all soldiers: and for this divers precedents were cited. The argument ended thus: That as the court consisted of gentlemen and lawyers, and of martial men, so the plea, consisting of three branches, was the more proper for their cognizance, a part of it being drawn from the law of England, another part from the civil law, and a third part from the martial law: and if the plea in any of the three branches was made good, (and they doubted not but it would be found so in them all,) the court would be satisfied there was reason and justice for preserving the duke's life.

135 The court adjourned till Friday the second of March; and the duke being again brought to the bar, the counsel for the people pleaded, but so poorly, that all who heard them were ashamed: but they had one advantage, that neither the duke nor his counsel were allowed to speak after them, nor to discover their impertinent allegations, which made the duke's counsel obviate all they could imagine they might say, though they said a great deal so far out of the way of reason, that none could have thought of it; and yet it was so weak that it needed neither be obviated nor replied to.

136 Yet at the end of every branch of their pleading I shall add the answers against them, as they are set down in some notes taken by the duke's counsel.

137 They begun with alienage, and studied to make it appear, that though he was a Scotchman born, yet he was no alien, having enjoyed all the privileges an Englishman was capable of, as being a peer, a privy-councillor, possessing lands and inheritances, and marrying in England. But naturalization

cannot be but by act of parliament, and not by the king's single deed; much less by those privileges of which any stranger might participate.

138 Next, they urged his father's naturalization, and since his name was not in that act, as was in other acts of naturalization, that proved him to be no alien, otherwise his name had been put in. From that, it rather appeared he was an alien, since others found it necessary to insert their children's names, which his father not doing proves the son an alien still.

139 They also urged his being *post-natus*, which must be held 395
true, since he brought no evidence to the contrary; and it being so, his tie of subjection was as great in England as in Scotland: that allegiance was only due to the king, and not to the kingdom: that there was a king when he entered into England, and that though he was secluded from the government, yet all writs were issued in his name, so that this expedition was a breach of the allegiance he owed the king. This was the oddest part of all their plea, since his charge was, that he assisted the king against the kingdom; and now they did plead he owed no allegiance to the kingdom, but to the king, whom they had so lately murdered, the duke's coming with his army being only to relieve him from the barbarous usage he had met with.

140 They also urged at large, that an Englishman's children, in what place of the world soever they were born, were denizens of England, and cited many precedents. But the misapplication of them was gross and palpable, those being of persons who were Englishmen before their children were born, whereas the duke's father was naturalized after he was born: so that he could not communicate that privilege to him, which he did indeed transmit to his children born after his naturalization.

141 Next, they pleaded that the parliament of Scotland had no power to commissionate him to enter into England, and that if some of them were there, they ought likewise to suffer for it, and it was fit he suffered for his masters who employed him; that it was pity the king had not suffered sooner. They also produced many precedents of strangers being condemned as guilty of treason for treasons committed in England; as, the queen of Scots, Lopez, Perkin Warbeck, the lord Harris,

Shirley the Frenchman, and the Spanish ambassador. All this was obviated in the former argument, where distinction was made betwixt secret practices and an open invasion with a foreign force. They added, that Scotland belonged to the crown of England, and so was to be looked on as some of the counties of England. But Scotland had no subjection to the crown, but only to the king of England, whom they had murdered, and so they had no power to judge any Scotchman.

142 As for the articles, they pleaded it was not in the power of the army to absolve any from the justice of the parliament, which, being above them, was not tied to their articles: and therefore, though they confessed the words ought to have been less ambiguous, yet, they said, the exposition of those who signed them was to be admitted, since every man was to be the expounder of his own words; and pleaded some precedents about the exposition of ambiguous words. But the words here were plain and not ambiguous, only a treacherous equivocation was invented to break them.

143 Cook, by a strange subtilty, said, the articles only secured his life during imprisonment, so that his breaking of prison, and being retaken, put an end to the obligation of the articles: though he broke not prison, but went out at door and gate, which was no crime.

144 Thus did the counsel of the people plead against him, to the conviction of all who looked on that they thirsted for his blood, and were only seeking colours of justice for it: which yet were so slight that they could serve for no disguise, but only to abuse those who were blinded with prejudice.

145 The court adjourned to Tuesday, being the 6th of March: 396
and then the duke was brought to the bar, and the judges sat in scarlet: they rejected the duke's plea in all its branches, and found him guilty of the charge whereof he was indicted. But before sentence, Bradshaw the president resumed all, and spoke long for aggravating of every particular, justifying every thing their counsel had pleaded, as if it had been all both good law and good reason: then he caused read the earl of Essex's commission, to shew how little power was given him: (but spoke nothing of Fairfax or Lambert their commissions, which had been more pertinent, but the reason was, they were ampler; and yet the parliament had never refused to ratify

any articles Essex gave.) He confessed the duke's articles were fuller than any others, therefore he would insist the more to invalidate them. He said, it was true if there had been a war proclaimed, and prosecuted betwixt a foreign nation and enemy and England, then by the law of nations, to which their law was consonant, articles signed by the commissioners of both parties should have been kept inviolable: but the prisoner was no enemy, for when the ordinary course of justice was obstructed by the late king's prevailing party, so that neither constables nor sheriffs, nor other civil officers, could lay hold on such delinquents as he was, or bring them to punishment, the parliament was forced to raise an army, commissionating their generals to bring such to condign punishment. This being the end and substance of their commission, it was not in their power, who were but the sword of justice in the parliament's hand, to give articles for securing any from the justice of the parliament, since it was never intended their acts should limit that power that gave bounds to them. He added also, that the court was fully satisfied that the duke was naturalized. The president laid out also the case of the other prisoners then at the bar, and spoke many hours; at last sentence was given against them all, *that their heads should be severed from their bodies on Friday next, being the 9th instant:* yet it was remitted to the parliament's consideration what mercy should be shewed to any of them; and so the duke was carried back.

146 The rest of that day, and the next day, the duke was earnestly solicited to preserve himself by making discoveries. And Mr. Peters, who appeared concerned for him during his trial, did now insinuate himself on him to draw somewhat from him: but all was in vain, there being no choice to be made betwixt a glorious death and an infamous life.

147 On the 8th of that month, it being put to the vote of the house whether he should be reprieved or not, it was carried in the negative.

148 That day the duke spent in fitting himself for death by prayers and spiritual conferences; and that he might discharge himself of all worldly cares, he wrote the following letter to his brother:

149 Dear brother, 397

Since it hath pleased God so to dispose of me, that I am to be in this world but a few hours, you cannot expect that I can say much to you; nor indeed is it necessary, for I know you will do undesired (as far as is in your power) what I now briefly mention. First, that you will be a father to my poor children, and that they be not forced to marry against their wills. The debts I owe are great, and some friends are bound for them; but the estate I leave you is such as will satisfy what I owe, and free my cautioners from ruin. You are just, and I doubt not of your performing this. I cannot forget to recommend my faithful servants to you, who have never had any thing from me, in particular Cole, Lewis, and James Hamilton. I have given something to them during their lives, which I hope you will see paid to them. I shall say no more, but the Lord of his mercy preserve you, and give you grace to apply yourself aright to Him, in whom there is only fulness of joy. Dote not upon the world; all is but vanity and vexation of spirit: grieve not for what is befallen me, for it is by the appointment of Him that rules in earth and heaven: thither the Lord Jesus be pleased to carry the sinful soul of

Your most loving brother,

March 8th, 1649. HAMILTON.

150 At night, the duke, the earl of Norwich, the lord Capel, and sir John Owen, were all brought to one room, where they lay all night: it was very late before they went to bed, every one having his friends to wait on him. The duke's servants asked leave to stay all night in the next room, and it was granted. The duke ordered Mr. Cole to come to him about three o'clock in the morning, which he did; but he with the rest were all fast asleep, and Mr. Cole returning after half an hour found him awake. He made him sit down, and gave him many directions to be carried to his brother, with an extraordinary composure, as Mr. Cole vouched to the writer. About five o'clock all of them were ready, and spent the time very devoutly in secret prayers and pious conferences, and other holy exercises, all of them expressing great joy in their present condition, and absolute submission to the will of God. The duke expressed his more particularly in the following letter he wrote to his daughters:

My most dear children,

151 It hath pleased God so to dispose of me, as I am immediately to

part with this miserable life for a better; so that I cannot take that care of you which I both ought and would, if it had pleased my gracious Creator to have given me longer days: but his will be done, and I with alacrity submit to it, desiring you to do so, and that above all things you apply your hearts to seek Him, to fear, serve, and love Him, and then doubt not but He will be a loving Father to you while you are on earth, and thereafter crown you with eternal 398
happiness. Time will permit me to say no more; so the Lord bless, guide, and preserve you, which is the prayer of

St. James's, Your most loving father,
9th March, 1649. HAMILTON.

Let this remember me to my dear sisters, brothers, and other friends, for it is all I write.

152 He did also apprehend that they might either be hindered to speak their consciences freely on the scaffold, or that the noise and disorder there might make him be ill-heard, or perhaps occasion disorder from the soldiers, which might provoke passion or discomposure; and therefore delivered the following speech before all in the room, which his brother published from the original he sent him:

153 I know you that are here to be true and faithful to me, I will therefore in your hearing say somewhat in order to myself and to my present condition, and give you also this copy of it, which after I am gone may perhaps be thought necessary to be published, as the last testimony of my loyalty to my king, for whom I now die, and of my affection to my country, for the pursuance of whose pious and loyal commands I am now to suffer.

That my religion hath always been and still is orthodox, I am confident no man doubts; I shall not therefore need to say much to that particular, only that I am of the true reformed protestant religion, as it is professed in the church of Scotland.

I take God to witness, that I have been constantly a loyal and faithful subject and servant to his late majesty, (in spite of all malice and calumny:) I have had the honour since my childhood to attend and be near him, till now of late: and during all that time I observed in him as eminent virtues, and as little vice, as in any man I ever knew; and I dare say he never harboured thought of countenancing popery in any of his dominions, otherwise than was allowed by the laws of England, and that among all his subjects there could not be found a better protestant than himself; and surely also he

was free from having any intent to exercise any tyranny or absolute power over his subjects: and that he hath been so unfortunate, I rather impute the cause of it to the sins of his people than to his own.

For my own part, I do protest never to have swerved from that true allegiance which was due to him, and that hath constantly been paid (to my comfort I speak it) to his progenitors by my ancestors, for many ages, without spot or dishonour, and I hope shall be still by my successors to his posterity.

I do heartily wish well to and pray for his royal issue, and shall die a true and loyal subject to his eldest son Charles the Second, the unquestionable king by right of all his father's kingdoms. I hope (though I do not live to see it) that God's justice and goodness will in his own time establish him on the throne of his father, which I doubt not some of you will see come to pass; and I am confident, till 399
then, and so long as men deeply plunged in guilt and self-interest usurp power and government, these kingdoms will fall short either of peace or any other permanent happiness.

I speak this from my just affection to the royal race, and much compassion to his majesty's subjects; but not from any malice, anger, or desire of revenge against any, for what I have or am to suffer; for I forgive all men.

It is well known what calumnies and aspersions have been thrown upon me by men of several parties and interests, not excepting those who would seem to carry much affection to his late majesty, as if I had expressed disservice or disloyalty unto him; the which how malicious and groundless they were, I appeal to God, who with my own conscience clearly beareth witness of my innocency therein; and I shall beg mercy from Him to whom I am now to give an account of all my thoughts and actions, as I have still had a faithful and loyal heart to my master.

It hath been a general complaint, that I persuaded his majesty to pass the act of continuing this parliament. I dispute not whether the doing of it at that time might have been reputed good or bad, but surely it was not I that did persuade it.

Neither did I at all deal with his majesty for his consent to the bill of attainder for taking away the life of the earl of Strafford, whose great parts and affection it is known I highly valued: yet some have been pleased to attribute to me the cause of that concession; but were his majesty now living, I am confident he would publicly clear me in both these, as he hath been pleased many times in private formerly to do.

And truly I am not conscious to myself (though I have been for many years a privy-councillor to him) of ever giving him any advice that tended to other ends (as I conceived) than the good and peace of his majesty and his dominions.

It hath been rumoured since my last imprisonment, that I should confess myself to be the greatest instrument under his majesty (by making use of his Scottish great seal) for authorizing the war in Ireland: a report so false and simple, as in my opinion judicious and honest men will not believe it. And truly, as I am free from having hand therein in any manner of way, so I am of nothing more confident, than that his majesty was also absolutely free thereof, and that he was not in any case a causer or countenancer of those Irish troubles.

I have been often examined touching persons of several qualities within this kingdom, that (as is supposed) did invite into England the late army from Scotland, or promised assistance after their coming; and of late much persuasion hath been used with me to that purpose, as that upon my discovery thereof depended the only means of my preservation. I will not say that I had any thing to reveal which would have been satisfactory, but this I desire you to attest to the world, that I have not accused or said any thing that may reflect on any man, of what degree soever, within the king's dominions: and indeed it was so contrary to my conscience, and so derogatory to my honour, that if I had been able, yet should I never have prejudiced any in that nature, though it had been to save me a hundred lives.

Touching that foul and senseless slander, that I betrayed the army 400
under my conduct, the care and pains I then took to prevent the loss of it, and the near approach of my suffering for it, will, I suppose, abundantly contradict this aspersion. I was satisfied with the justness and necessity of that engagement, upon the grounds of the declaration of the parliament of Scotland, fearing then the sad confusions which have since followed here both in church and state; and particularly the fatal fall of my master, to the preservation of whose person I was by obligation and natural affections as passionately tied as I could be by duty and allegiance.

And now I confess I am void of all rancour or displeasure against any, though I am within few hours to die, adjudged by a lawless and arbitrary court, of purpose erected (as is said) to destroy my master and some of his servants, and for a great part composed of men mechanic, and unfit to be judges, my death being decreed, (right or wrong,) as is reported, before ever the trial begun. And

though my death is no less than murder, yet I forgive all, and pray to God to do it, and that my blood be not laid to their charge, or to some powerful and eminent men's, who, as is thought, upon some sinistrous ends have many months since contrived my destruction, which now is ready to take effect.

And though I have answered to that court, in regard of the justness of my defence, which I thought would have weighed with them: yet I never thought, nor do I acknowledge any jurisdiction or lawful authority in the same, notwithstanding I do with all Christian humility submit to the punishment, which for my other personal sins the Lord hath justly brought upon me.

I should have spoken more, yet would not have said so much, but for fear lest either my memory might slip it on the scaffold, or that the rudeness of some people, by noise or otherwise, might have interrupted me speaking on this subject. So I thank God I am well prepared. God bless you! remember me to all my friends.

I know I have been a great sinner, yet through faith I have an assurance that God will forgive me, and have mercy upon me, through the alone suffering and intercession of Jesus Christ my Saviour. *Amen.*

154 About nine o'clock the officers called to them to prepare themselves to go: they were to be carried in sedans, and great guards of horse and foot to attend them to sir Robert Cotton's house. But after the duke had gone through two rooms, he reflecting on the faithful services of Mr. Cole, and judging they deserved a more particular resentment than was in the letter he had written to his brother the day before, called for pen, ink, and paper, and wrote the following note to his brother:

BROTHER,

There is nothing more certain than that a faithful servant is an humble friend: this bearer I have found such, and therefore recommend him to you in that quality. I need say no more for him, nor can I of worldly business, being so near parting out of it; but as I have loved you all my life, so I do now at the end of it. The Lord of his mercy preserve you from dangers of soul and body!

Yours,

H.

155 This will more clearly discover the serene and composed 401
temper he was then in, than can be done by any testimony of

spectators, who could only see the outside, which, as many of them have witnessed to the writer, was very calm and resolute. When he came to sir Robert Cotton's, three or four officers were sent from Cromwell to him, desiring that he would discover what had been oft asked of him, and he should not only be preserved, but be made a great man: but he rejected their offers with the same language he had formerly used on the like occasions; and said, if he had as many lives as hairs in his head, he would lay them all down rather than redeem them by so base means; which an ear-witness vouched to the writer. Then all went to prayers, and they had some excellent good preachers waiting on them, and praying with them. Some wine was brought, and they all drank one to another, and did embrace and kiss each other with much tenderness.

156 The duke was first led away to the scaffold: on the way other officers came from Cromwell, renewing the former offers if he would make discoveries; but all to no purpose, he rejecting them with scorn. Those many offers, as they were great temptations, which would have shaken any man whose soul was not fully at peace with God, and well prepared for death, so they discovered the baseness of those men's designs. But as malice did ever pursue the duke with the unjustest slanders, so his enemies, hearing that messengers came often to him, did strangely misrepresent it, as if he had been even then in some treaty for his life. Being come to the scaffold, the earl of Denbigh desired to speak with one of his servants, and Mr. Lewis was sent to him: the duke asked Mr. Cole what might the matter be, who answered, he judged it was to know what order he had given about his children; the duke answered, he might satisfy him if that were the matter.

157 The duke was during his stay at St. James's visited sometimes by doctor Sibbald. Him he chose now to accompany him in his last minutes, who encouraged him "to look to that fountain of the blood of Christ in which he must be purged from all his iniquities; the effusion whereof was for the salvation of all who by a true and lively faith rested on him: he was the only Rock on which he was to build his hopes, and though the waters of Jordan did run an impetuous current, he was the ark of the covenant that was to lead him through

them to that sure refuge, against which neither the powers on earth nor the gates of hell could prevail. He desired him to lift up the eyes of firm confidence to the crucified Christ, and with St. Stephen to behold him sitting at his Father's right hand, ready to receive his soul: adding, who would be in love with life, if they could but beforehand consider what it would prove? all being a heap of cares, anxieties, and miseries, with which every rank of men and state of life was beset: it was therefore a happiness to be with much joy welcomed, when we found a quick and easy passage for escaping these swelling billows, and getting into that blessed harbour of eternal happiness. We must pass through a sea, but a sea of our Saviour's blood, in which never any shipwrecked, and through which we are carried by the soft winds of the divine Spirit, which can scatter all contrary blasts."

158 When the doctor had thus ended his discourse, the duke 402
perceiving a greater silence than he expected, though he had resolved to make no public speech, and therefore had, as was already told, expressed himself in private, yet, being invited by the attention he observed, he spoke to the people: but as he had not premeditated it, so no copy of it remains, except what was printed from the notes of the hearers, and therefore I shall only set down the heads of it. He addressed himself to the sheriff, and told him, "he judged it not very necessary for him to speak much, his voice was so weak and low, that few of the crowd that looked on could hear him; nor was he ever so much in love with speaking, or with any thing he had to say, that he took much delight in it: yet since this was his last, he being by the divine providence of Almighty God brought justly to that end for his sins, he would speak a little to the sheriff, for his voice could not reach others. He was now to suffer as a traitor to the kingdom of England, a country which he had ever loved equally with his own, not having intended either any general prejudice to it or to any particular person in it: his late actings were the commands of his own country, which he could not disobey. It is true, it had pleased God so to dispose of the army under his command that it was ruined, and he, for being clothed with a commission to be general, stood now ready to die. He would not repeat what he had pleaded for his own defence,

God was just; nor would he say any thing of his sentence, but that he did willingly submit to God's providence, acknowledging that on many accounts he deserved punishment in this life as well as in the next, for he confessed himself a great sinner: yet for his comfort he knew there was a God in heaven who was very merciful, and that his Redeemer did sit at his right hand; and he was confident that he was mediating for him at that very instant, being hopeful through his all-sufficient merits to be pardoned all his sins, and to be received into his mercy, trusting only to the free grace of God through Jesus Christ. He declared he had never been tainted in the religion professed and established in the land, in which he had been bred from his infancy: it was not this nor that mode or fancy of religion that was to be built on, but one that was right and sure, and came from God." Here he observed some taking notes, and upon that said, he had not expected that, else he had digested what he had said into a better method: but desired that what he had said might not be published to his disadvantage, since he had not intended to speak any thing when he came to that place. Then he went on, and said, "Many dreadful aspersions had been cast on him, as if his intentions had not been such as he pretended; but he thanked God he was unjustly blamed: that for the king, he had ever loved him, both as he was his king and his master, with whom he had been bred many years, and had been his domestic servant; and that there was nothing the parliament of Scotland declared for the king that was not really intended by himself: and as he hazarded his life for him one way, so he now was to lose it another; and that his design of leading in the army to England was really that which was published in the declaration, in so far as concerned the king: he was not then to speak of the rest of the declaration, which had many other particulars in it. And for what he said of his duty to 403
the king, there was no reason to suspect him of flattery, or any other end in saying it, (God having now so disposed of his majesty,) but though he could gain nothing by it, yet he owed the freeing himself of that calumny to truth, by which all men shall gain for ever. There had been many discourses founded on a part of the Scottish declaration, which mentioned an invitation to come to England, upon which he had been

much laboured for discovering the inviters; but he had, and did still remit himself to the declaration, without any other answer. He was ever willing to serve this nation in any thing was in his power, which was known to many worthy persons in it; and he would still have continued in those resolutions, had those in whose hands the power was then, thought fit to have preserved his life. But since he was to be thenceforth of no more use, all he could do was, to wish the kingdom happiness and peace, and to pray that his blood might be the last should be shed: and though perhaps he had some reluctancy within himself at his suffering for this fact, yet he freely forgave all men, and carried no rancour with him to the grave; but did submit to the will of Him who created heaven and earth, and himself, a poor sinful creature then speaking before him. He conceived it could contribute to no end for him to speak of state business, of the government of the kingdom, or things of that nature; his own inclinations had been still for peace, he was never an ill instrument betwixt the king and his people, nor had he acted to the prejudice of the parliament. And as he had not meddled much in those wars, so he was never wanting in his prayers to Almighty God for his king's happiness: and he earnestly prayed God to direct his majesty (that now reigns) that he might do what should tend to his glory and the peace and happiness of the kingdoms. He said he was of the established religion, which he had professed in his own country where he was born and bred: but for particular opinions he was not rigid; he knew many godly men had scruples about divers things, wherein he had never concerned himself; nor did difference of opinion (which was never more than at that time) move him, his own was clear. He prayed the Lord to forgive him his sins, as he freely forgave even those against whom he had the greatest grounds of animosity, remembering that prayer, *Forgive us our trespasses, as we forgive them that trespass against us.* And to this purpose he spoke, if the writers did him right in what was published in his name: but how true the printed papers were, the writer is not able to judge, for he has three printed relations of it before him, all varying somewhat one from another. As he expressed himself thus, he discovered a great composure by his looks and manner of expression; and when he was desired

to change the posture he stood in, since the sun shined full in his face, he answered pleasantly, "No, it would not burn it, and he hoped to see a brighter sun than that very speedily."

159 After the duke had done speaking, he called for the executioner, and desired to know how he should fit his body for the blow, and told him his servants would give him satisfaction. Then he called to his servants, and commanded them to remember him kindly to divers of his friends in England, particularly to his mother-in-law, the countess of Denbigh, to whom he had 404
ever paid a filial respect, and to the old countess of Devonshire, who as she lived to a great age, and to the honour of her nation, so was on all occasions a constant and true friend to him. He bade tell her, she would no more question his loyalty, (which she had done sometimes in raillery,) since he was now to seal it with his blood; then he kneeled down, and prayed in these words:

160 Most blessed Lord, I thy poor and most unworthy servant come unto thee, presuming in thy infinite mercy and the merits of Jesus Christ who sits upon thy throne; I come flying from that of justice to that of mercy and tenderness, for his sake who shed his blood for sinners, that he would take compassion upon me, that he would look upon me as one that graciously hears me, that he would look upon me as one that hath redeemed me, that he would look upon me as one that hath shed his blood for me, that he would look upon me as one who now calls and hopes to be saved by his all-sufficient merits: for his sake, glorious God, have compassion upon me in the freeness of thy infinite mercy, that when this sinful soul of mine shall depart out of this frail carcass of clay I may be carried unto thy everlasting glory. O Lord, by thy free grace, and out of thy infinite mercy, hear me, and look down, and have compassion upon me; and thou, Lord Jesus, thou, my Lord, thou, my God, and thou, my Redeemer, hear me; take pity upon me, O glorious God, and so deal with my soul, that by thy precious merits I may attain to thy joy and bliss: O Lord, remember me, so miserable and sinful a creature. Now, thou O Lord, thou O Lord who died for me, receive me, receive me into thy own bound of mercy. O Lord, I trust in thee, suffer me not now to be confounded. Satan hath too long had possession of this soul, O let him not now prevail against it; but let me, O Lord, from henceforth dwell with thee for evermore. Now, O Lord, it is thy time to hear me; hear me, gracious Jesus, even for thine own goodness, mercy, and truth. O glorious

God, O blessed Father, O holy Redeemer, O gracious Comforter, O holy and blessed Trinity, I do render up my soul into thy hands, and commit it to the mediation of my Redeemer, praising thee for all thy dispensations that it hath pleased thee to confer upon me, and even for this, praise and honour and thanks be to thee from this time forth and for evermore.

161 After this, Dr. Sibbald entertained him with some pious discourses, and then the duke prayed a short prayer by himself. After which, he with a cheerful and smiling countenance embraced the doctor, and said, *Truly, I bless God I do not fear, I have an assurance that is grounded here* (laying his hand on his heart) *that gives me more true joy than ever I had: I pass out of a miserable world to go to an eternal and glorious kingdom, and though I have been a most sinful creature, yet I know God's mercy is infinite; and I bless my God I go with so clear a conscience, that I know not the man I have personally injured.* Then embracing his servants that were there present, he said to every one of them, *You have been very faithful to me, the Lord bless you.* He turned next to the executioner, and after he had observed how he should lay his body, he told him he was to say a short prayer to his God, while he lay all along, and should give a sign by stretching out his right hand, and then he was to do his duty, *whom he freely forgave, as he did all the world.* And then he stretched himself out on the ground, and having placed his head aright, he lay a little 405
while praying with great appearance of devotion within himself, and then gave the sign; upon which the executioner at one blow severed his head from his body, which was received in a crimson taffety scarf, by two of his servants kneeling by him, and was together with his body immediately put in a coffin, which was ready on the scaffold, and from thence conveyed to a house in the Mews; from whence it was, according to the orders he had given, sent down by sea to Scotland, and interred in the burial-place of his family, where it lies in the hopes of a blessed resurrection to eternal life.

THE CHARACTER 406

OF

JAMES DUKE OF HAMILTON.

THUS lived and died James duke of Hamilton, who was born at Hamilton the 19th of June, 1606. His parents were James marquis of Hamilton and lady Anne Cunningham, daughter to the earl of Glencairn. He was of a middle stature, his body well shaped, and his limbs proportioned and straight; in his last years he inclined to fatness; his complexion and hair were black, but his countenance was pleasant and full of life, and shewed a great sweetness of disposition; his health was regular, suitable to his diet, and free of sickness or pain, only in his last years he was a little subject to the stone. But when his body was opened, all his inwards were found sound and entire, so that had not that fatal stroke brought his days to a too early period, he might probably have been very longlived.

2 At the time of his father's coming to court, the duke of Buckingham (being then in great favour with king James, and desiring to strengthen his family with noble alliances) agreed a marriage betwixt him and the lady Mary Fielding, daughter to William earl of Denbigh, and the lady Susanna Villiers, sister to the duke of Buckingham, upon which his father sent for him to court, to be married when he himself was fourteen years of age; and the lady designed for him but seven. This broke off the course of studies in which he had been educated till then in Scotland: and though he was sent afterwards to the University of Oxford, yet the interruption

that his stay at court put to his education in letters was such that he never recovered it. After the years of consummating the intended marriage were come, he was forced to it, not without great aversion, occasioned partly by the disproportion of their ages, and partly by some other secret considerations.

3 He lived with his lady for some years in no good terms, and that, concurring with other motives, made him leave the court upon his father's death: but her excellent qualities did afterwards overcome that aversion into as much affection as he was capable of; and it was no wonder, for she was a lady of great and singular worth, and her person was noble and graceful like the handsome race of the Villiers. But to such as knew her well, the virtues of her mind were far more shining. She was educated from a child in the court, and esteemed and honoured by all in it, and by none more than 407
the late king, who, as he was one of the chastest men, (not to say princes,) so he was a perfect honourer of all virtuous ladies. She was lady of the queen's bedchamber, and admitted by her majesty into an entire confidence and friendship; and not only was her honour unstained, but even her fame continued untouched with calumny, she being so strict to the severest rules, as never to admit of those follies which pass in that style for gallantry. She was a most affectionate and dutiful wife, and used to say, *she had the greatest reason to bless God for having given her such a husband, whom as she loved perfectly, so she was not ashamed to obey.* But that which crowned all her other perfections was the deep sense she had of religion: she lived and died in the communion of the church of England, and was a very devout person. Many years before her death, she was so exact in observing her retirements to her closet, that notwithstanding all her avocations, and the divertisements of the court, (as the writer was informed by one that lived with her,) no day passed over her without bestowing large portions of her time on them, beside her constant attendance on the chapel. She bore first three daughters, and then three sons; her daughters were lady Mary, lady Anne, and lady Susanna; her sons were Charles, James, and William: but all her sons and her eldest daughter died young.

4 A year before she died she languished, which ended in a

consumption, of which after a few months' sickness she died: so that she prepared for death timeously.

5 About a month before her death she called for her children, and gave them her last blessings and embraces, ordering them to be brought no more near her, lest the sight of them might have kindled too much tenderness in her, which she was then studying to raise above all created objects, and fix where she was shortly to be admitted.

6 She died the 10th of May in the year 1638, and left her lord a most sad and afflicted person: and though his spirit was too great to sink under any burden, yet all his life after he remembered her with much tender affection. She died indeed in a good time for her own repose, when her lord was beginning to engage in the affairs of Scotland, which proved so fatal both to his quiet and life.

7 But the distractions of the following years concurring with the affectionate remembrance of his lady, which rather increased than abated with time, kept him from the thoughts of reengaging in a married life. Neither did the death of his sons shake him from that purpose, since he had so noble a successor secured for his family in the person of his brother; and next to him he had two daughters who were dear to him, far beyond the ordinary rate of children, on whom he got his dignity and fortune entailed, in case his brother died without sons.

8 His religion was protestant and reformed; and as he was a zealous enemy to popery, so he was no less earnest for a good correspondence among all the reformed churches, in particular betwixt the Lutherans and Calvinists, and therefore was a great patron and promoter of the designs of Mr. Dury, who bestowed so much of his travel and so many of his years in driving on that desired union: for I find by many of Dury's letters to him, that as he owed a great part of his subsistence to the money and places were procured for him by the duke, both from the king and my lord of Canterbury, so his best 408
addresses to the Swedish court and the princes of Germany were those he had from him; and therefore he continued giving him an account of his success, as to his patron and benefactor.

9 As for our unhappy differences which have divided this

island, he judged neither the one nor the other worth the blood was shed in the quarrel; and the excess he had seen on both hands cured him from being a zealot for either. He was dissatisfied with the courses some of the bishops had followed before the troubles began, and could not but impute their first rise to the provocations had been given by them: but he was no less offended with the violent spirits of most of the covenanters, and particularly with their opposition to the royal authority. As long as the king employed him for the preservation of episcopacy, he served him faithfully; and though afterwards he pressed him much for his consent to the abolition of that government in Scotland, it was not from any prejudice himself had at it, but flowed only from the affection he had to his majesty, since he saw it could not have been preserved at that time without very visible hazard both to king and country: and so he took the national covenant at the king's command, anno 1641, in the parliament of Scotland.

10 He was all his life a great honourer of true piety wherever he saw it, notwithstanding any mistakes that might have been mingled with it; so that whatsoever particular ground of resentments he had at any who (he judged) feared God, the consideration of that did overcome and stifle it: but his first imprisonment in the year 1643 was the happiest time of his life to him, for there he had a truer prospect of all things set before him, which wrought a change on him discernible by those who knew him best. This made him frequently acknowledge God's great goodness to him in that restraint: for then he learned to despise the foolish pleasures of sin, and the debasing vanities of a false world, which had formerly possessed too great a room in his thoughts. It is true he chose to be religious in secret, and therefore gave no other vent to it in his discourse than what he judged himself obliged to, which was chiefly to his children, to whom he always recommended the fear and love of God, as that wherein himself had found his only joy and repose. The following words are a part of one of his letters to them, which he wrote a little before his last going to England:

In all crosses, even of the highest nature, there is no other remedy but patience, and with alacrity to submit to the good-will and plea-

sure of our glorious Creator, and be contented therewith; which I advise you to learn in your tender age, having enjoyed that blessing myself, and found great comfort in it while involved in the middle of infinite dangers.

11 He was a constant reader of the scriptures, and during his imprisonment they were his only companions, other books being for a great while denied him; and he making a virtue of that necessity became a diligent and serious reader of those holy oracles, and studied to take the measures of his actions from them, and not from the foolish dreams and conjectures of astrology, though the inquiring after and taking notice of these be among the injurious imputations obloquy fastened upon him. But so far was he from any regard to them, that 409
an astrologer coming to him in Germany with a paper, wherein he said he should read a noble fortune, he, after he had sent him away, threw it into the fire, without once opening it: and indeed he was so far from flattering himself with the hopes of great success in any of his undertakings, that he rather apprehended himself under some inauspicious star, that crossed all his attempts, which made him in his latter years long for some secret retirement out of the noise of business. And in his last expedition into England he was so far from promising himself great matters, that the night before he marched, when he was taking leave of one of his friends, he said, he not only knew that such attempts were doubtful, but apprehended that what he was then engaging in might prove not only dangerous, but destructive to himself; nevertheless he was resolved either to go through with it successfully, or to perish in the attempt, and never survive it; adding, that the last was what he looked for, and therefore he took his leave as never to meet again.

12 But notwithstanding all the misfortunes that either lay upon him or did hang over him, he preserved the greatest calmness in his mind that could be imagined: which appeared in an unclouded serenity that dwelt always on his looks, and discovered him ever well pleased. And though the greatness of his mind and the sweetness of his natural temper might have contributed much to that tranquillity, yet certainly it took its rise from another source, and flowed chiefly from his

confidence in God, and the security he had in the innocency of his own heart.

13 His accomplishments were great, though cultivated only by his own thoughts and improved by experience; for he was no great scholar, neither was he bred abroad: his judgment was profound, his foresight great, his style was smooth and without affectation, for he spoke with a native eloquence. One advantage he had beyond all he engaged with in debating, that he was never fretted nor exasperated, and spake at the same rate without clamouring or eagerness. He had seen so much of the baseness of many men, that it inclined him in the end to jealousy: which made him reserved with most people: and of this I find divers complaining in their letters.

14 For his affection and duty to his prince, it hath appeared so much in his history, that little remains to be said in his character. It is true some were pleased to say that he treated with foreign princes for seconding him in his own pretensions to the crown of Scotland: but this forgery was so ill-grounded that he had signal proofs to the contrary. When he first engaged in the German design one wrote to him from the Spanish court in the name of the ministers of that monarch, making him great promises if he would desist from it: but his answer was, that duty, gratitude, and inclination concurred to tie him inseparably to his master's interests, and that no consideration either of hope or fear was able to shake him from his fidelity to them. Neither did any thing obstruct his being more employed and trusted in Germany than his constant adhering to the king's pleasure and interest; for had he given himself up to the will of the Swedish king, he would have been quickly put in another capacity, and might have had about him one of the best armies in Germany; since all the Scottish officers, who at that time were many and considerable, inclined to have formed an army apart, and served under him, had the king of Sweden given way to it.

15 When he was claiming his estate and rights of Chastleherault in France, cardinal Richelieu appointed sir James Hamilton, whom he had sent over to negotiate that affair, to tell him, that he should be not only settled in that, but have more likewise, if he would enter into a close correspondence with

him, and be a faithful servant to the French crown. His answer was, that he owed indeed the greatest duty and dependence to the king of France of any prince next his own king, and therefore would faithfully serve all his interests after the king's. But nothing was to be expected from him that might upon any consideration prejudice his master's service, neither would he engage in any correspondence without his knowledge and allowance: adding, that he was confident his eminence was too faithful a minister to that monarch whom he served, to like him the worse for his honesty to his own master. These instances will evince how far he was from pretending to any interests in his correspondence with foreign princes different from the king's, whom he served with as much affection as duty. And indeed the love he bore his person was no less than the duty he paid to his authority, for he did not deny but the former made him digest some things which perhaps otherwise he had not borne so well. This kept him far from vilifying his majesty's person, or speaking unhandsomely of him, as some accused him. It may be supposed that had he been guilty of that, it would have appeared more to his friends than strangers, since prudence would have taught a reserve to them, though duty had not enjoined it: but those who conversed most with him saw so much of his affection and esteem for that prince, that many of them have told the writer he was the furthest from it that could be, since he studied by all means to infuse that value in others for him which possessed his own mind. It is true his calmness made many, who knew not how natural that temper was to him, suspect he was not in earnest, because he did not bluster out in heats of passion upon every occasion; for as he was not easily inflamed, so he could not well personate a passion when he was free of it. All his advices to the king were for settling matters without hazarding on a bloody decision, knowing well that no quarrels are so mortal as those that follow upon the closest ties; therefore he was far from acting that infamous office of incendiary which some fastened on him. And it was his suggesting and pressing gentler methods which engaged some fiery spirits into such opposition to him: and from hence it was, that when he was put to a review of those advices he offered to his majesty, he

said, "he would not study to justify them all, since he was far from the vanity of magnifying his own counsels; but all he could answer for was his good intention, which was not to be measured by success."

16 As for his disclosing the king's designs to his enemies, hell could have devised nothing further from truth: for not only does the silence of all his letters that are in my hands refute that, but when afterwards some who had been leading men in the covenant broke with him, with such animosity, and when by some of those much pains was taken to possess the king with jealousies of him, it is not to be doubted but if there had been a shadow of truth for those imputations some particular would have appeared, or some letters had been pre- 411
served to have justified these insinuations. But nothing was so much as ever pretended for this beyond whispers and general stories.

17 If all his friends were not at all times so fixed to their duty as they ought to have been, that left no blame upon him; for no man can be liable for his friends, nor charged with the faults of other men: but when any of them strayed from their duty, his friendship made him not the less, but the more severe to them; and many of them, being yet alive, have witnessed with what honest zeal he always studied to engage them to a cordial adherence to the king's service. But to sum up all, those who after they see how in his last speech, delivered at his death, he begs *pardon and mercy from God as he hath been a faithful servant to his master*, and do still retain their jealousies, are beyond the cure of any persuasion; for none but a desperate atheist could have adventured so far with a defiled conscience. Neither can it be alleged here, that all in those times pretended to be for the king: for perhaps many thought the methods they took were the best for securing and settling his throne. But had the duke been faulty as the world accused him, it must not have been a mistake in his thoughts, but a crookedness of his heart, a betraying of his trust, and a falsifying of his engagements: and who can suppose that the parties who were prevalent both in England and Scotland at the time of his death, and pursued him and his memory with all the excesses of malice, would not have discovered such treachery to load him with the greater infamy, if there had

been any grounds for it, since they were the persons who must have known it best?

18 As for that ridiculous and devilish forgery of his pretending to the crown of Scotland, never any were alleged to have heard a hint of it from himself, no not in raillery; and certainly if so great a design had ever been discovered to any person, it must have been to his friends, and he must have taken pains to have made some party sure for it: but for this nothing was ever whispered but surmises, and those hanging so ill together, that they retained not so much as the shadow of probability.

19 For his country, as he had as great interest in it as any subject, so his affection yielded to none. And it is certain, that if his counsels to the king seem at any time to fall short of the higher ways of authority, nothing but his affection for his country gave him the bias; for he confessed, the thing in the world at which he had the greatest horror was the engaging in a civil war with his countrymen.

20 He was far from any designs of engrossing either power or places of advantage to himself or his friends; nor was he ever the occasion of any burden to the country, for the assignments he had on some taxations were only for payment of the debts he had contracted by his majesty's command for his expedition to Germany. And so little fond was he of being the king's commissioner in Scotland, that in divers of his letters he proposed others to his majesty for that trust, protesting it was a place which of all other he hated most; and when he saw jealousies taken at his being so long in that trust, as if the king had been to govern Scotland by a commissioner, he pressed his majesty to change him; so careful was he to avoid every thing which might be a grievance to his country and 412
retard the king's service.

21 He was the great patron of all Scottish men in the court, which drew on several occasions a large share of malice upon him: as appeared particularly in the case of one colonel Lesley, whom colonel Sanderson's friends were pursuing in the court, alleging that Lesley had killed that colonel unworthily in Muscovia. The crime was not committed in the king's dominions, and Lesley was legally acquitted from it in Russia, who upon a national account, being a Scottish man, laid claim to

the duke's protection; but this irritated colonel Sanderson's brother (who pretends to have written the history of king Charles the First) into so much rage against him, that forgetting the laws of history, he breaks out on all occasions into the most passionate railings that his spiteful but blunt and impotent malice could devise. And the best of all is, he bewrays his ignorance as well as his passion in all the account he gives of the Scottish affairs; so that it is hard to say whether his folly in attempting to write a history on such slender informations, or his impudence in forging or venting lies with such confidence, deserves the severer censure.

22 And since I mention this Lesley, I shall only add, that though Sanderson tells a formal story of the signal judgments of God on him in his death, he was alive many years after that book was published, which can be well proved by many who knew him.

23 The duke was very sumptuous and magnificent in his way of living, but abhorred that debauched custom of entertainments by drinking, and was an example of temperance; which cost him dear in Denmark, where he refusing the ordinary entertainments of that court in drinking, was not only ill used, but made pay a great sum under the pretence of passage dues. Temperance was particularly recommended to him by his majesty when he went to Germany; and his returning from that court without once transgressing these laws, was such an evidence of his observing them, that afterwards few would tempt him to those excesses.

24 Of all virtues he esteemed ingenuity and candour most, as that which was the ground of all confidence, and the only security among men; and therefore recommended it chiefly to others, and studied to observe it most himself. I confess when I consider his whole method of framing and carrying on his designs, how straight and candid they were, if I oft admire his invention, I do much more esteem the ingenuity of his proceedings; for I never find him vailing truth with a lie, nor carrying on business with a cheat: and to speak freely, the greatest departing from these rules appeared in the declaration emitted in April 1648; where, among other things, the parliament declared they would not admit his majesty to the exercise of his royal authority till he by oath obliged himself to

swear and ratify the covenant. The duke stuck long ere he would give way to this; at length, finding the violent party that crossed the engagement implacable, and being desirous to withdraw from them all colours or pretences for opposing that design, he yielded to it; and at that time said to a friend of his, that the preservation of the king went so near his heart, that he could refuse nothing which might make way for that. But it was far from his thoughts to seclude the king from the exercise of his royal power, and therefore it was excused at 413
the same time, both by the letters his brother wrote to the king, and in the instructions sent by sir William Fleeming to the queen and prince, and by sir William Bellenden to the prince of Orange. I have also a journal which he took with his own hand of what passed in that parliament, wherein he wrote, when that act was put to the vote, that (though he gave his vote to it) it was not his own opinion. And thus I lay open both his fault and the temptation that led him to it, so that if ever any officious lie was of a venial guilt sure this was: yet who knows if, among the holy and wise counsels for which God might have permitted that army's miscarriage as a punishment for our other sins, we not being ripe for a deliverance, this departing from the severe rules of ingenuity and virtue might not have been one procuring cause? But this is the only instance of this nature I have met with in the whole survey of his actions and papers.

25 As for the mildness and gentleness of his nature, no day went over him without giving new discoveries of it. For it was very hard to provoke him, but no less easy to appease him: he was not unequal in his humour, but as one left him they found him, being always cheerful and ever the same. And whatever aspirings might have been in his mind, his carriage was the freest of haughtiness that could be both to equals and inferiors: he was both easy to address to, and affable in his converse, and laboured to oblige all people. And in his command he was far from the common practice of many, who are very careful to raise all the money they can, and to oppress the countries where they march or quarter. It is true the earl of Calander did draw as much money as was possible from the places they passed through with their army, but the duke would meddle with none of it: and when Calander

offered 450*l.* to his steward, he would not touch it till he spoke with his master; who charged him strictly not to meddle with it, and acknowledged he had done like a faithful servant in not taking it.

26 It was so impossible for him to resent injuries, that when some of his vassals had offended him, so that he was resolved to make them sensible of it whenever it lay in his way, it no sooner came to be so, but their first address broke through all his displeasure: and never did the settled composure of his mind appear more than at Utoxeter, when in the midst of all that disorder he preserved his usual temper. The generosity of his mind made him so tender towards all in trouble, even though deserved, that he was scarce capable of punishing any even for their faults. A pretty instance of this was, that a woman having stolen some of his plate, and being quickly found with it, he was asked what should be done with her; to which he answered, it seemed she wanted money, wherefore he ordered to give her a piece and send her away. And when in the year 1648 a zealous woman threw a stone at him as he passed through the streets, all he said was, he wondered what the woman ailed, for he was never an enemy to the sex: nor would he suffer any severe sentence to be executed on her, but when her hand was ordered to be cut off, he procured her pardon, and said, the stone had missed him, therefore he was to take care that their sentence might miss her.

27 To conclude, I shall not offer to tell how much his death 414
was lamented by all who knew him, for then I should never get off: I shall therefore only set down two letters, the one of condolence from the queen mother, another from his majesty who now reigns, to the earl of Lanerick, then by his brother's death duke of Hamilton, which expresseth the value his majesty had of the engagement.

Cousin,

Intending every day for a great while to have despatched Rainsford, I have not hitherto done that which my sense of the loss of my late cousin the duke of Hamilton should have drawn from me long ago, which was to express the concern I had for his death: and though my own inexpressible loss hath made me incapable of feeling any thing else that can befall me in this world, yet it hath not made me insensible of your brother's death, both on his own

account and on yours. For consolation, it is not easy for me to offer you any, being incapable of taking it to myself. We must turn us to God, and receive it of Him, for this world cannot afford it: yet if to bear a share in your affliction may in any way lessen some part of your grief, I am assured you shall find an allay to it; and I desire you may believe that no person wishes you more happiness than myself, who shall study on all occasions to make it appear that I am with all sincerity,

Cousin,
Your very good and
affectionate cousin,
HENRIETTA MARIA R.

Paris, 22nd April, 1649.

MY LORD HAMILTON,

I am very sorry that I could not have your advice in my late proceedings with Mr. Winram, who is now returned with my letters, (the copies whereof I send you herewith;) but the treaty being appointed so near you at Breda, I shall desire your presence at it, and shall much depend upon your advice, assuring you that I will take care of your interests, and of all those honest men that engaged with your brother, equally with that which concerns myself. I hope the calling them a committee of estates, with such cautions as I use in the letter, will bring no prejudice to you nor to your friends. 415
And I will be careful to establish your interest by the treaty, without which I conceive I cannot have much assurance. I pray use your best endeavours to your friends in Scotland to make their demands moderate and reasonable; and then I shall not doubt of a good issue, and such as may enable me to express how much I am

Your very affectionate
friend and cousin,
CHARLES R.

Jersey, 24th of Jan. 1649.

MEMOIRS

OF

THE LIFE AND ACTIONS

OF

WILLIAM DUKE OF HAMILTON.

BOOK VII.

A continuation of affairs till Worcester fight.

ANNO 1650.

TO this account of James duke of Hamilton's actions, it may be expected I should add the remaining memoirs of his brother's affairs. But the time he survived was so full of disorder and confusion, that few papers were preserved, and these so imperfect, that without fuller supplements than the writer hopes for, no clear account can be given of those times; therefore there shall be only added somewhat by way of character, with a general relation of the following passages of his life.

2 William duke of Hamilton was born at Hamilton on the 14th of December in the year 1616, being ten years younger than his brother, and of the same parents. He was of a middle stature, his complexion black, but very agreeable, and his whole air and mean was noble and sprightful: his youth discovered with an extraordinary capacity so much ingenuity, that candour seemed in him not so much the effect of virtue as nature, since from a child he could never upon any tentation be made to lie.

3 When his father died, he left him very young to the care of

his mother, and the kindness of his brother, with a very small provision: but he confessed he never missed a father in his brother, who kept him not only at the university of Glasgow, where he was educated, but likewise in his travels, at a rate and with an equipage suitable to his quality. He travelled some years in France, where he was very much esteemed, 418
and invited to stay in that court with very honourable offers. He had a good foundation of literature, though he was no great scholar; and what he once acquired was rather improved than lost by him.

4 He returned from his travels when he was one and twenty years of age, and was looked on both by the king and queen as a rare and highly promising gentleman; and now that he was of an age capable of it, his brother and he entered into an entire friendship. And finding him so rarely accomplished, and fitted for the greatest affairs, he kept him with himself at court; and though he depended wholly upon his brother's generosity for his subsistence, yet he was far from making him feel that, either by upbraiding him with his favours, or by disparaging him with any neglect, (faults too commonly incident to elder brothers when the younger are obliged to stoop to them.) But as lord William was too highminded to have endured the least appearance of those, so his brother was not capable of giving him any such hard usage, but allowed him all things suitable to his rank, and carried towards him with respect as well as affection.

5 He continued in the court some years, being much esteemed by all sorts there: for as his address was becoming, so his converse was full of life and wit, and he was a great master in all his exercises. But his brother was more careful to think of a fortune for him than himself was, and therefore provided a marriage for him that had the expectation of a vast fortune, lady Elizabeth Maxwell, eldest daughter to the earl of Dirleton, (who had no sons, and but one other daughter.) It was not without reluctancy that he was engaged that way, but his brother's authority over him was absolute; so he was married to her in the year 1638, and continued still at court. He had by her four daughters that survived him, lady Ann, lady Elizabeth, lady Mary, and lady Margaret.

6 Afterwards he pretended to be made master of the horse

to the queen, but her majesty was engaged to another, which was much resented by him, and made him resolve on leaving the court and going into France. This grieved his brother extremely, and both the king and queen sent him a promise, that if he would give over thoughts of that journey he should be preferred to whatever place fell that were fit for him. And a little after that, the earl of Sterlin died, who was secretary of state for Scotland, and the queen moved the king to advance him to that trust, to which his majesty did willingly consent: for as he was glad of all opportunities of expressing his kindness to his brother, so he saw in himself that which made him judge him both worthy and capable of any employment; and thereupon he made him secretary, and created him earl of Lanerick. He had every thing but years to recommend him to the highest trust, being witty, considerate, brave, generous, and resolute to the highest degree. He saw his engagement in affairs fell to be in such a disordered time, that he could not have appeared on the scene with more disadvantage. He had no experience at all in Scottish affairs, but for that he resolved to trust to his brother's informations and advices; which did not only continue till he came to understand persons and affairs better, but that noble pair were all their lives united with bonds of friendship straiter than those of their blood. Calumny got no access 419
to their ears, nor emulation and jealousy room in their hearts; and as their friendship was never broke off with a discord, so it was not so much as marred by a mistake. They had both interests, friends, and quarrels in common; they were pleasant in their lives, nor was their friendship divided in their deaths, as appeared from the interchanged preferences they gave one another's children in their last wills.

7 Both of them had peculiar excellencies; yet even in those things wherein the one was excelled by the other there remained enough to term them both eminent. The elder had the greater temper and command of his passions, but this made him sometimes fall short of that acrimony and authority which such times and services required. The younger was more forward and resolute, yet sometimes this left his temper behind it. The elder, as he had the advantage of years and experience, so he had the deeper apprehensions and the

greater foresight; but the younger had more vivacity of spirit and readiness of apprehension. The elder was readier to foresee a danger and invent objections, and the younger quicker at answering them, and finding salvos for all difficulties. The elder's converse was smoother, but more reserved; the younger, as he was the brisker, so he was the more frank, and was no less beloved: and in fine, the elder spoke more gracefully, but the other had the better pen.

8 He was most assiduous in his employment to procure not only favourable answers, but speedy despatches to all those who made their addsesses by him to the king. He frankly told every one whether he would serve them or not, for where he meant no assistance he never disguised it with general assurances: but where he promised service he needed no new applications, either to refresh his memory or quicken his diligence; and he was wont to say, he was sure there was no person whose sight his majesty had so little reason to desire as his, since he never saw him, when there was any possibility of speaking to him apart, but he moved him in one suit or another. But his confidence was grounded on this, that he gave the king no trouble with any desires of his own: his reality this way obliged his friends exceedingly, who used to complain, that though his brother, as far as his own kindness could go, was most obliging, yet he was averse from doing them such services with the king as they desired of him.

9 He had a vivacity of apprehension beyond any about him, with a great conception of things, and quickly penetrated into men's thoughts and designs. His discourse was short, but nervous, witty, and full of stings, when he had a mind to reflect on others; but he was soon heated, and kept his fire pretty long. There was not a mean thought lodged in his breast, all his designs being noble and aspiring, which, with the fervour of his nature, made him pass for a very proud man among his enemies. He was indeed gallant and generous to all degrees, and none alive was capable of a higher sense of honour and gratitude, nor more unable to stoop to any thing that was sordid or mean.

10 For his religion he was a true zealous protestant, and his opinions about our unhappy differences at home were the same with his brother's. He had a great dislike of church-

men's pretending to meddle in civil affairs, finding it hurtful on all hands; and therefore was much for confining them to their own work. In those times when things were like to run 420
a risk in the committee of estates, most commonly the sense of the commission of the general assembly was brought in to declare how far religion and the covenant was concerned in any particular that was under debate; and this swayed some, and overawed others: but nothing was more odious to him than this practice, and he wisely foresaw, and often said, that nothing could bring such a stain on religion, in the minds of those who were too inclinable to receive bad impressions of it, as the officious and overmeddling tempers of hot and indiscreet churchmen. His practice in devotion, in some of his last years, shewed him to be sincerely religious.

11 He had for many years great convictions on his conscience of the true excellence of religion, but human infirmity prevailed too much over him, and he was not free of blemishes: yet he found he had to do with a merciful God, who gave him such a victory over those snares, and such tender impressions of his love, that long before his death he was come to have that assurance of the Divine goodness, that he was not only ready and willing, but longing for death. But his prospect of it will appear better from his own pen than any thing I can add, when he was entertaining himself in cold blood with the serious apprehensions of that grave object, and penned his latter will, which shall be set down in its own place.

12 The afflictions he lay under in his last years contributed not a little to the raising that sense of things in him, these having been the saddest years Scotland ever saw, in which he was overlaid both with public and personal troubles. Those which went nearest his heart, and wounded it in its most sensible part, were, first, the king's murder, and then his brother's; neither was he capable of so mean a thought as to receive any allay to the last by the dignity and fortune which thereby descended on him. The friendship betwixt them had continued to the end sacred and inviolated, and as the elder transmitted not only his estate and honour, but left also his personal estate, jewels, plate, and pictures (which were of great value) to his brother, giving only portions to his daugh-

ters, trusting even the writings for these to his brother, to lessen them as he found the estate might bear it; so the younger judged himself bound in honour and gratitude to return such of those as were still in his power (many of them having been either disposed of for defraying his necessary expense in that troublesome time, or lost in the invasion of Scotland) again to his brother's daughter, whereby he prosecuted his brother's first design, who had provided the honour and fortune to descend on his own daughters if his brother had no sons. And so much did he honour his brother's memory, that injuries done himself raised not such irreconcilable resentments in him as those had been done his brother: neither was any address so welcome to him as that which came with a respective remembrance of his brother; and he entailed his friendship for him on his daughters, who have desired me to acknowledge to the world, that in him they met with the tenderness of a father, the kindness of a friend, and every thing that was generously noble and obliging. And so desirous was he to have his niece enjoy her father's estate and dignity, that at his going to England he professed he was glad he had no sons to lie in her way to it; adding, that if he had forty sons, he rather wished it to 421
her, than he could do to any of them. And for proof of this, though many evidences might be given, yet I shall only add one letter he wrote to her; and the orders he gave to all that depended on him discovered it to be no compliment, for it was as really performed as it was generously offered.

13 Dear Niece,

Amongst all my just afflictions there is none lies so heavy upon me as that I am still made incapable of paying that duty to you which I owe you. It is the greatest debt I owe on earth, and which would most joy me to pay, as well from inclination as from nature and obligation; but all happiness being denied me, I cannot hope for that which would be the greatest.

Before this I hope you are settled in Hamilton, where you have, as is most just, the same power your father had, and I beseech you to dispose as absolutely upon every thing that is there. All I have interest in, so long as they will acknowledge me, will obey you; and I shall earnestly beg, that if there be any failings, (either from persons, or in providing what you shall think fit to call for, which that

fortune can procure,) to advertise me thereof, and if it be not helped, (so my fortune can do it,) let me be as infamous as I am unfortunate. I will trouble you no longer, but pray the Lord to bless you with comfort and health.

Dear niece,
Your real servant,
HAMILTON.

Campheer, the 10th of June, 1649.

14 As for those princes whom he served, he had even as much justice from fame as his heart could wish, since none did ever fasten any ill characters on him in that particular, except that little which was done at Oxford. But he who of all living knew his brother best, acknowledged that in this he had the better of him only by fame, and that the longer he lived he discerned the more wisdom in his designs and honesty in all his counsels: but that which made the difference was, that his temper was more forward, and he often spoke out those resentments which his brother either had not with so much passion, or choosed to bury in his breast.

15 Nothing did so much support his spirit under the heavy pressure that lay over it, as the desire he had to preserve his life for his majesty's service, of which he was prodigal, when he saw it useless to his master, for his life had been of a great while burdensome to him: and indeed it was no wonder to see death so welcome to one who had so little reason to desire to live, and so much ground to hope in death; for when the tossings and unjust unmerciful usage he met with in those years he survived his brother are well looked into, it is a wonder they forced him not unto the horridest resolutions imaginable, (I use his own words,) and to pursue private and public injuries with a mortal resentment: yet his zeal for the king's service and the country's quiet overruled all other thoughts. From Scotland he went to Holland, where he was scarce landed when he heard the sad and dismal news of the king's murder, nor had he recovered of the extreme grief 422
that raised in him when he heard likewise how his brother was murdered, which afflicted him beyond expression; nor did any thing grieve him more than his laying down arms at Sterlin, for when he saw too late how they had been abused in it, he censured it more severely than any of his enemies could do.

16 In Scotland, the parliament (if that meeting could ever de-

serve that name, wherein there were scarce any of the nobility present) not only condemned the engagement for the king, but passed an act against all the engagers, ranking them in several classes, whence it got the name of *an act of classes*, whereby they were excluded from all offices, public trust, and vote in parliament: nor were they ever to be admitted to trust till they had satisfied the church by a public profession of their repentance for their accession to the *unlawful engagement*, as it was then called, and were by them recommended to the favour of the state; and those that ruled were resolved to readmit none but such as would depend on them and adhere to their interests. They were also particularly severe to the duke for breaking confinement, and leaving Scotland without their pass. The duke upon his arrival in Holland offered his service to his master, (our gracious sovereign who now reigns,) which he received and entertained with so much royal goodness, as if the affection and confidence of their masters had been the inheritance of these brothers; and what the late king was to the elder, his majesty was to the younger, who continues to this day to honour his memory with the highest commendations. And indeed his royal favour was not misplaced on one that was either unsensible or ungrateful, for never subject served master with more honesty, zeal, and affection; so that no consideration either of hope or fear wrought so much on him as the affection he bore his master: neither expressed he anxiety for any thing at his death, save for his majesty's person, fearing lest he might fall into their cruel hands whom he knew to be thirsting for his blood.

17 He stayed in the Netherlands till his majesty came to Scotland; and though those that governed there were so much his enemies, that they would have the king stand to their *act of classes*, and made that one of the articles of their treaty at Breda: yet the duke seeing the desperate posture the king's affairs were in, and that no visible hope remained unless his majesty settled fully with Scotland, was not only satisfied to consent to that severe demand, but did earnestly press his majesty to agree with that kingdom, whatever might become of him. Many were for extremer methods, and pressed the duke to concur for making a forcible impression upon Scotland: but he well foresaw the mischief of that course, and how little could be promised from it; for as no great concur-

rence could be expected in the condition things were then driven to, so all that could follow, even on a little success, was to expose the country to the rage of a prevailing army from England, against which Scotland entirely united would have had work enough, though it had not been weakened by a civil war; and therefore he was against all divisions, which might also have tempted the prevailing party to join with the English army.

18 The treaty with the Scottish commissioners was held at Breda, where things stuck long, their demands being very high, and uneasy to the king. The chief of the commissioners was the earl of Cassilis, who did truly love the king and kingly go- 423
vernment; so that when the usurpation proved successful by the conquest of Scotland afterwards, though the usurper studied by the greatest offers he could make to gain him to his party, considering the high esteem he was in for his piety and virtue, he could never prevail so far as to make him advance one step towards him, even in outward civilities: yet he was a most zealous covenanter, but of so severe a virtue, and so exactly strict to every thing in which he judged his honour or conscience concerned, that he would not abate an ace of his instructions, but stood his ground so that nothing could beat or draw him out of it. But he did it with so much fairness and candour, that the king, though troubled enough with the difficulties that bred him, yet was much taken with the openness of his proceeding with him, and conceived so high an opinion of his fidelity to him, that nothing could ever change or lessen it: so excellent a thing is ingenuity, that it begets an esteem wherever it is to be found, even when we are most displeased with the instances in which it appears. The next in the commission was the earl of Lothian, who though he was deeply engaged in friendship and interests with the marquis of Argyle, yet was of a noble temper, had great parts, and a high sense of honour. The other commissioners depended on them, and went easily along with them in what they agreed to.

19 The commissioners, seeing the good offices the duke did, were willing he should return with his majesty to Scotland, anno 1650, and enjoy the common privileges of Scotchmen, only be secluded from all public trust, and from his vote in

parliament. But the leading men in Scotland judged it necessary for the peace of that kingdom that the duke might not return with his majesty, and sent orders for stopping his voyage. These orders came not to Holland before most of the commissioners were aboard, only the earls of Cassilis and Lothian were ashore when they got them: they were much troubled to get such severe commands, obliging them to break the treaty they had so lately signed. But since most of their fellow commissioners were gone, and they without them made not a quorum, they could do nothing, so that the duke was suffered to return to Scotland with the king. But at his majesty's landing, one appointed by the parliament to put him from the king required him to withdraw: and when the king pressed the commissioners with the articles of their treaty, they said they could not oppose an order of parliament. The king was much offended with this, and was inclining to resent it, both as an unworthy usage and as a breach of treaty: but the duke told him, that at that time Argyle was the person who was most able to render him considerable service in Scotland; therefore though he knew he designed nothing so much as his ruin, yet he advised his majesty to use all possible means to gain him absolutely to his party, and to neglect himself as much as Argyle desired, and not at all to seem much concerned in him; adding, that he knew when his majesty's affairs were in a better posture, he would not forget his faithful servants. (This particular his sacred majesty vouchsafed to tell the writer.) It was in vain for him to claim either the benefit of the treaty at Sterlin or Breda, interest and jealousy prevailing more with those who then ruled than any other tie; so the duke was forced to retire to the isle of Arran, where he stayed till the end of January 1651: nor could his 424
petitions, with the intercessions of his friends, prevail for allowing him the liberty of coming to fight for his king and country, so that he was forced to stay at Arran till the best half of Scotland was lost.

20 But God, who had suffered the church party to prevail long, did blast their force and success at once; for Cromwell, upon the parliament of Scotland's bringing home their king, entered it with his army. The church party, as they had no mind to invade England on the king's account, so were very

careful to declare that their arming against Cromwell was not on the king's account, which they excluded from the state of the quarrel by an act of their committee; and declared that they stood only to their own defence against that hostile invasion, which was contrary to their covenant and treaties. They were also very careful to model their army so that neither malignant nor engager that had been of the king's party should serve in it; for though when his majesty came to their army at Leith the soldiers were much animated by his presence, and with the coming of two thousand brave gentlemen with him to the army, yet the leaders of that party pretended, that since the malignants were in their army God would be provoked to give them up to the enemy, and therefore forced the king to leave the army. They also forced away all those gentlemen who came and offered their service. I shall not pursue this account further, but only add, that notwithstanding all their confidence of their army, and though they had the enemy at great disadvantages, so that he and all his officers gave themselves for gone; yet they were with very little opposition broken and routed near Dunbar on the third of September 1650, and even those who two years before had insulted over the misfortunes of the engagement, were now themselves taught how ill an argument success was to evince the goodness of a cause.

21 This procured a great change in the counsels of Scotland, for by that time the honester and better part of the clergy were by the murder of the king, and the other proceedings in England, filled with distaste and horror at them, and began to think how defective they had hitherto been in their duty to the king, and therefore resolved to adhere more faithfully to it in all time coming. Others of the church party did also see that as Cromwell was setting up a commonwealth in England, so they found many of the forwarder amongst themselves very much inclined to it in Scotland. This divided them from the other violent party, and made them join more cordially with the king, and be willing to receive his other faithful servants to oppose the common enemy; therefore it was brought under debate, if the *act of classes* that excluded them from trust should not be rescinded, and all subjects allowed to enjoy their privileges, and suffered to resist the common enemy:

after long debate it was carried in the affirmative, yet none were to be received but upon particular applications and professions of repentance. The commission of the kirk being also asked their opinions, declared, that in such an exigency, when the enemy was master of all on the south of Forth and Clyde, all fensible persons might be raised for the defence of the country. This was called the resolution of the commission of the general assembly, and was ratified by the subsequent general assembly. But against this many ministers protested, and from thence arose great heats and divisions among those 425
of the kirkmen who owned the public resolutions, and those who protested against them, the one being called *the public resolutioners*, and the other *protesters*. And now all churches were full of pretended penitents; for every one that offered his service to the king was received upon the public profession of his repentance for his former malignancy; wherein all saw they were only doing it in compliance to the peremptory humour of that time.

22 It was about the end of January that the duke was suffered to come and wait on the king; but at that time Cliddisdale, with the other places where his interest lay, were in the enemy's hands, who had put garrisons in Hamilton, Douglas, Carnwath, Boghall, and other houses of that country. Yet the duke got quickly about him a brave troop of about an hundred horse, made up of many noblemen and gentlemen, who rode in it, among whom were divers earls and lords; whose lands being also possessed by the enemy, they could do no more but hazard their own persons in his majesty's service; the rest were his vassals and gentlemen of his name: and they were commanded under him by a gallant gentleman, sir Thomas Hamilton of Preston, whom he sent with eighteen horse to Cliddisdale, to try if the enemy could be catched at any disadvantage, and the people of the country raised for the king. The enemy kept so good guards, and was so strong at Hamilton, that he could not fall in there; therefore he went to Douglas, where he took about eighty horse that belonged to the garrison, but could not surprise the house, for it was too strong to be taken without cannon. He likewise took all the horse that belonged to the garrison at Boghall, and killed twenty soldiers. This made the enemy keep closer

at Hamilton, upon which the duke resolved to raise ten troops of horse, and appointed sir Thomas Hamilton lieutenant-colonel; but the enemy's garrisons gave great interruptions to his designs.

23 At that time the enemy landed at Innerkeething in Fife, and the great loss the king had there did both raise the enemy's boldness, and much daunt his faithful friends: for now Cromwell was betwixt his majesty and the northern counties of Scotland, which were both most affectionate to his service, and from whence he was to expect provisions and supplies; so that it was not possible for the king to maintain the war any longer in Scotland, and therefore he resolved on a march to England, being put in hopes of great accessions of force to his army from the royal party there: and this gave a trial to the fidelity and courage of many of the Scottish nation: but too many looking on the attempt as desperate, being more careful of their lives and fortunes than to hazard either in the king's service, shrunk away, though divers of them had charges in the army. Against these base deserters of their king and country the duke was moved with such just indignation, that he vowed, if ever he returned with life and liberty, he should make these in whom he had interest answer for it.

24 But the duke's thoughts of this march, and his sad apprehensions of the whole business, will appear from the following letter he wrote to his niece that succeeded him:

DEAR NIECE, 426

Indeed I know not what to say to you; I would fain say something more encouraging than my last was; but I cannot lie, our condition is no better, and since that time we have a thousand men (I fear twice that number) run from our army. Since the enemy shuns fighting with us, except upon advantage, we must either starve, disband, or go with a handful of men into England. This last seems to be the least ill, yet it appears very desperate to me, for more reasons than I will trouble you with: I fear your own reason will afford you too many. Dear niece, it is not your courage I will desire you to make use of in this extremity; look for strength to bear it from a higher Power; all your natural virtues will not resist it; therefore look to Him who hath in former times assisted you to resist a great affliction, and can do it again if you seek to Him aright: you have already lost so much, that all other earthly losses were drowned in

that. Those you meet with now are Christian exercises, wherewith ofttimes the Lord visits his own to wean their affections from things here below, that we may place them upon himself, in whom we have all things; and if we could, as we ought, set our hearts upon Him, we should find ourselves very little concerned in most things which bring us greatest trouble here on earth, where we are but for a minute in our way to eternity. O consider that word *eternity*, and you will find we struggle here for that that's even less than nothing. Why trouble we ourselves for earthly losses? for when we have lost all we have, there are thousands as dear to God as we, as poor as we. We are rich though we lose the whole world, if we gain Him: let us set before our eyes the example of those who, to give testimony to the truth, rejoiced to lay down their lives; nay, let us with humble presumption follow the pattern of our blessed Saviour, who for our sakes suffered more than man can think on, the burden of all our sins, and the wrath of his Father: and shall we then repine to lay down our lives for Him, when he calls for it from us, to give us a nearer admittance to Him than we can hope for while we are clogged with our clay tenements? Dear niece, I should never be weary to talk with you, though this be a subject I confess I cannot speak of well; but even that happiness is bereft me, by the importunity of a crowd of persons that are now in the room with me, grudging the time I take in telling you that while I am,

Sterlin, 28th July, 1651. I am yours, &c.

25 The duke waited on the king in the whole march, and gave order that the troops which he had levied should follow with all possible haste. Seven of them came up, and joined the army at Moffet, but the interruptions the enemy gave made that the rest could not be raised; nor were these troops full. The duke welcomed them with great affection, and assured them they should be as dear to him as his own life, and that if God blessed the king with success, he should be very careful to see them rewarded as they should deserve: but seeing they made in all but betwixt two and three hundred, he feared too many standards would make them look like the remains of a broken army; and therefore he set up only his own standard, and so turned his small regiment into a great troop, and marched on with the army.

26 When the army came to Warrington-bridge, and beat Lam- 427
bert from it, the duke commanded the brigade (where his horse

were) that was in the rear of the foot; but that and the other brigade of horse being commanded to halt, he sent his major to the lieutenant-general for orders to march, that the enemy might be vigorously pursued: but the lieutenant-general would have the foot led over first, and so that occasion was lost, which he with many others did infinitely regrate with great demonstrations of grief. Then it was debated which way the king should hold: the duke pressed that they should march straight to London, which was the desire of the whole army, and that which Lambert apprehended, for in his retreat he took the London road. There were also many other reasons used to enforce it, but the English nobility and gentry who were in the army, and the earl of Derby, who with many gentlemen came to the army that night, gave many reasons against that march. The duke seeing them so much against it, though his reason could not go along with theirs, yet, that he might not oppose so many brave and loyal gentlemen, went out of the king's tent, for he would not by his presence seem to consent to that which he apprehended would prejudice the king's service: but was so far from disparaging the other counsels, and enhancing the value of his own, that he went and laboured with all the officers of the army, to engage them to a cheerful concurrence in the resolutions that were taken, and studied even to persuade them to assent to that which had not yet prevailed on his own reason.

27 The resolution being taken to go to Worcester and storm it, the army marched, and when they came near the town, some horse and dragoons, which were sent thither by Lambert two days before, retired to Gloucester; and the king entered Worcester with two bodies of foot, the rest marched through the town over the Severn. The day after the king came to Worcester, the duke with many of the nobility and gentry went to the cross, and himself read the king's proclamation, and caused the major of the town to proclaim it; but God having designed to set his majesty on the throne of his ancestors by his own immediate hand, all hopes of supplies from Wales, or other well-affected places, vanished. Cromwell also followed the king from Scotland in great marches, having left general Monk (since the famous duke of Albemarle) there with an army to subdue the little strength that remained for

maintaining his majesty's interest in that kingdom. The day after Cromwell came before Worcester the king called a great council of war, to consider what was to be done, where the duke spoke first, and after he had in as short terms as was possible opened the state of affairs, he said one of three things must be done; either they were to march out and fight, to lie still and provide for a siege, or to march to London, the other side of the Severn being then free. He proposed the difficulties of all these, yet said one of them was to be done, and desired that his majesty might put it to the debate which of them was fittest. None proposed a fourth expedient. But the duke did afterwards suggest, if the marching into Wales might be advisable; but as they were in the debate, before the half of the council of war had delivered their opinions, there came an alarm to the door that dissolved the meeting. This was four days before the fight; the enemy grew daily stronger, and raised the whole country to his assistance; and as the king's small army was utterly disproportioned to their strength, so the courage of the soldiers 428
did daily abate; and the duke, as he clearly foresaw the ruin of the king's affairs at that time, and the captivity of his country that would follow, so he desired not to outlive it, which he plainly told to some of his more intimate friends, though, for encouraging others, he put on a great appearance of cheerfulness on his looks: but apprehending that his end drew nigh, notwithstanding all the attendance he was obliged to at court and with the army, yet he set off large portions of his time for reviewing his life, and fitting himself for eternity; and when his employment all day denied him the conveniency of such long and serious retirements as that work required, he took it from his sleep in the night, being more solicitous for rest to his mind than to his body. And the night before the often fatal third of September, which was the day of Worcester fight, though he had stayed very late in the court, yet when he came to his lodgings the apprehensions he had of what was before him kept him awake and serious, as will appear from the following paper which he wrote, and was found in his pockets when they were searched after his death:

28 When sadness for any worldly cross lies heavy upon thee, remem-

ber thou art a Christian, designed for the inheritance of Jesus; or if thou be an obstinate impenitent sinner, as sure as God is just, thou must perish: if this be thy condition, I cannot blame thee to be sad, sad till thy heart-strings crack. But then why art thou troubled for the loss of friends, fortune, or for any worldly want? what should a damned man do with any of these? Did ever any man upon the rack afflict himself because his mistress slighted him, or call for the particulars of a purchase upon the gallows? If thou dost really believe thou shalt be damned, I do not say it will cure all other sadness, but certainly it will or ought to swallow it up.

And if thou believest thou shalt be saved, consider how great is that joy, how infinite is that change, how unspeakable is the glory, how excellent is the recompense for all thy sufferings in the world! So, let thy condition be what it will, compared to thy future possibility, thou canst not feel the present smart of a cross fortune to any great degree, either because thou hast a far bigger sorrow or a far bigger joy. Here thou art but a stranger, travelling to a country where the glories of a kingdom are prepared for thee; it is therefore a huge folly to be much afflicted, because thou hast a less convenient inn to lodge in by the way.

Let us prepare ourselves against changes, always expecting them, that we be not surprised when they come. *O death, how bitter art thou to a man that is at rest in his possessions!* To the rich man, who had promised himself ease and fulness for many years, it was a sad arrest that his soul was surprised the first night. But the apostles, who every day knocked at the gate of death, and looked upon it continually, went to their martyrdom in peace and evenness. Anytus and Miletus may kill me, but they cannot hurt me: *We are troubled on every side, yet not distressed; perplexed, but not in despair; persecuted, but not forsaken; cast down, but not destroyed. And who is he that will harm you, if ye be followers of that which is good?*

Consider that afflictions are ofttimes the occasions of great temporal advantages, and we must not look upon them as they sit heavy on us, but as they serve some of God's ends, and the purposes of universal providence: and when a prince fights justly, and yet unprosperously, could he see the reasons for which God orders it, he 429
would find it unreasonable, nay ill, to have it otherwise. If a man could have opened one of the pages of Divine counsel, and seen the event of Joseph's being sold to the merchants of Midian, he might with much reason have dried up the young man's tears. The case of Themistocles was not much unlike that of Joseph; for, being

banished, he likewise grew in favour with the Persian king, and told his wife, *he had perished unless he had perished.* God esteems it one of his glories to bring good out of evil, and therefore it were but reason we should leave God to govern his own world as he pleases, and that we should patiently wait till the change come, and likewise not envy the prosperity of the wicked: *Rest in the Lord, and wait patiently for him; fret not thyself because of him who prospereth in his way, because of the man who brings wicked devices to pass; for evil-doers shall be cut off, but those that wait upon the Lord shall inherit the earth.* Theramenes, one of the thirty tyrants of Athens, escaped when his house fell upon him, but was shortly after put to death by his colleagues in the tyranny.

The last great trial is death, for which should we grieve, of all griefs it is the most unreasonable: for why should we grieve at that which is absolutely unavoidable? and it is not so much to be cared for how long we live, as how well we live; for that life is not best which is longest. The shortening of our days is an evil wholly depending on opinion; for if men did now naturally live but twenty years, then we should be satisfied if they died about sixteen or eighteen. We call not that death immature in any who live to seventy, and yet this age is as far short of the old period before and since the flood, as he who now dies of eighteen is of seventy. Let us still be ready for it, and it cannot come too soon; for let us die young or old, still we have an immortal soul, and do lay down our bodies for a time, as that which was the instrument of our sorrow and trouble, and the scene of sickness and diseases: let us not then fear that which rids us of all these, for by fearing it we shall never the more avoid it, but make it the more miserable to us. Fanius, who killed himself for fear of death, died as certainly as Porcia who eat burning coals, or Cato who tore out his own bowels. To die is necessary and natural, and may be honourable; but to die poorly, basely, and sinfully, that alone is that which can make a man miserable, for no man can be a slave but he that fears pain or fears to die: to such a man nothing but peaceable times can secure his quiet, for he depends upon things without him for his felicity, and so is well but during the pleasure of his enemy, a thief or a tyrant; but blessed is he who willingly resigns his soul and body into God's hands, as unto the hands of a blessed Creator and Redeemer.

O blessed Jesus, thou didst die for me; grant that I may with joy submit unto thy summons when thou shalt call me to die, for thou art my Advocate as well as my Judge, and camest into the world to save sinners, whereof, O Lord, I acknowledge, I am the greatest:

but thy mercies are infinite. O God of mercy and God of all comfort, with much mercy look upon the sadness and sorrow of thy servant; my sins lie heavy upon me, and press me sore, by reason of thy hot displeasure; my miseries are without comfort, because they are the punishments of my sins: my sin hath caused my sorrow, and my sorrow doth not cure my sin, and unless thou for thy own sake, and merely because thou art good, pity me, I am as much without remedy as without comfort. Lord, pity me, let thy grace refresh my spirit, let thy comfort support me, thy mercies pardon me, and let not my portion be among helpless and accursed 430
spirits, for thou art good and gracious, and I throw myself upon thy mercy; suffer me never to let my hold go, and do then with me what seems good in thy own eyes. I cannot suffer more than I have deserved, and yet I can need no relief so great as thy mercy is, for thou art infinitely more merciful than I can be miserable. Lord, make me the object of thy mercy, both in my life and in my death; and if even this day thou shalt think fit to remove me from this valley of miseries, either by the violent hand of this merciless enemy, or any other way which in thy providence thou hast ordained, when my soul shall go out from the prison of this body, may it be received by angels, and preserved from the horror and amazements and the surprise of evil spirits, and be laid up in the bosom of our Lord, till at the day of thy second coming it shall be reunited to the body, which is now to be laid in the dust, yet I hope shall be raised up in joy to live for ever, and behold the face of God in the glories of our Lord Jesus, who is our hope, our resurrection, and our life, our blessed and ever glorious Redeemer; to whom, with the Father and the Holy Spirit, be all honour and glory for ever and ever. Amen.

29 In these exercises he continued till it was almost morning; and then he threw himself down on the bed, where he did not lie above two hours when he was called on to make ready, and as soon as he was dressed and armed, he waited on the king into the field.

30 The account of that engagement is not here to be offered, since nothing belongs to this work but that wherein the duke was concerned. His regiment was commanded to charge a body of horse and foot, that stood near two pieces of cannon not far from the Severn: but there were two great bodies of foot standing on each side of the lane, through which they were to go, and these firing on them as they passed, they

received great loss; but having got through the lane, there was no coming to the enemy, who stood in a close ground, but through a gap in the hedge, through which the lieutenant-colonel with a very inconsiderable number charged, and the enemy gave ground, and left the cannon in their hands, the horse retiring to Hacker's regiment, who came up and charged, and was gallantly received by the lieutenant-colonel and the duke's regiment: but some foot, brought to line the hedges on their flanks, fired so on them that they were forced to retire. The duke being near the king's person, and observing all that passed, inquired who they were, and being told it was his own regiment, he thought it unworthy of him to be too far from danger when they were so put to it, and galloped all alone from the king to the place where they were; where he found them retiring, and did all he could either by words or threatenings to make them keep their ground. But the enemy did still bring up more foot, and fired uncessantly on them, and most of the officers were either wounded or had their horses killed under them; particularly the lieutenant-colonel, who had all the while charged very gallantly, had his horse shot under him, and so they were beaten back. The duke himself kept in the rear, with such as were in a condition to wait on him, to the great hazard of his person, and gave signal demonstrations of a high courage: but the enemy following him close in great bodies, he commanded some foot to make good the hedge against them, and rode up and down among them, and encouraged them to stand and die for the service of their king and the honour of their country; and 431
did several times charge down to the hedges, so that all were astonished at such daring and unusual valour. But the enemy pressing on, he rode again with his pistol in his hand to the hedge, where he received the fatal shot that quite disabled him. His majesty hearing of the extreme danger he exposed himself to in these charges, and knowing well how great a loss he would suffer if so brave a commander and such a wise and faithful counsellor were killed, sent once and again to call him away from that hazard he was in; but he chose to prefer his majesty's service to these most obliging commands; yet being disabled by the wound he got, he was forced to retire to the town. The total routing of the army quickly followed,

and by the taking of Worcester that night he fell into the enemy's hands.

31 When he came to his lodging his wound was searched by the king's surgeon, Mr. Kincaid, who found that by a slug-shot the bone of his leg, a little below the joint, was crushed, and so broken that many splinters with the bullet were taken out at first dressing, and many more fragments were at several other dressings separated from the bone; and the surgeon told him the only way to save his life was to lose his leg. But Trappam, Cromwell's surgeon, being sent by him to wait on the duke, assured him there was no hazard. Two days after the duke was wounded, the king's physician, sir Robert Cunningham, being found out among the prisoners, was brought to him, who found he had lost much blood by his wound, and therefore opened a vein in his arm, which diverted the course of the blood. Then the duke asked his opinion about himself, who told him plainly, there was no hope of saving his life but by cutting off his leg, and if that were done some hopes remained; but Trappam having assured him there was no hazard, he was not willing to submit to so severe a sentence, till he were further satisfied of its being absolutely necessary: therefore he sent to London for Mr. Dickson, who was an expert surgeon, in whom he had great confidence, and he came to him with all possible haste; but it was too late, for the duke's strength and spirits were so wasted that they durst not adventure on the operation. During these few days of the duke's life he expressed great composure of mind, and a cheerful willingness to welcome his approaching end, which drew on apace; nor shewed he anxiety or concern in any thing but his majesty's preservation, for which as he prayed constantly, so he still inquired news concerning him, and blessed God that he heard none, judging from that that he was safe and had escaped. On the 8th of September, finding his strength failing him, and looking on himself as a dead man, he sent his last thoughts to his lady and nieces in the following letter written with his own hand:

32 Dear Heart,

You know I have been long labouring, though in great weakness, to be prepared against this expected change, and I thank my God I find comfort in it, in this my day of trial; for my body is not more

weakened by my wounds, than I find my spirit comforted and supported by the infinite mercies and great love of my blessed Redeemer, who will be with me to the end and in the end.

I am not able to say much more to you; the Lord preserve you 432
under your trials, and sanctify the use of them to the comfort of your soul.

I will not so much as in a letter divide my dear nieces and you; the Lord grant you may be constant comforts to one another in this life, and send you all eternal happiness with your Saviour in the life to come: to both of your cares I recommend my poor children; let your great work be to make them early acquainted with God, and their duties to Him; and though they may suffer many wants here before their removal from hence, yet they will find an inexhaustible treasure in the love of Christ. May the comforts of the blessed Spirit be ever near you in all your straits and difficulties, and suffer not the least repining to enter into any of your hearts for his dispensations towards me, for his mercies have been infinitely above his justice in the whole pilgrimage of,

Dear Heart,

Worcester, Your own
Sept. 8, 1651. HAMILTON.

33 On the 11th of September the duke's pulse failed quite, which he discerned first himself, and called for his physician, to whom he said he felt no pain nor sickness, but could not discern his pulse to move, and no more did his physician; but imputing it to malignant vapours rising from his wound, he gave him some cordials, which made no change upon him: and then his spirits quitting all their natural operations retired to his brain, and his intellectual faculties, his memory, reason, and expression continued in their vigour for the space of twelve hours; after that, his voice was likewise entire and strong. The total cessation of the arterial motion, together with a marmoreous coldness, that was creeping up by degrees from all his extremities, made his physician warn him that death was approaching. The duke answered, that from the beginning he apprehended his wound would prove mortal, but he could not think death was so near him, since he found neither sickness, pain, fainting, nor oppression trouble him. He had been during his sickness oft waited on both by the ministers of Worcester and the ministers who waited on the

king's army, whom he called for; and as they prayed and ministered divine consolations to him, so they were much comforted and edified with the Christian courage and joy he expressed in these his last and closest conflicts. From six in the morning on the 12th of September he lay quiet, speaking little, but was observed all the while by those who looked often to see what he was doing, that he was well employed in mental prayer and devout ejaculations. About nine o'clock being asked by his physician how he was, he answered, his heart was free of sickness; but added, that he should tell his relations in Scotland, that he died believing, that through the merits of the Mediator the Lord Jesus Christ, the Lord his Righteousness, and through the infinite mercies of his God, it should fare with him as with the idle labourers, in the parable of the vineyard, who went in at the eleventh hour and yet received the penny; so he believed, that though in the last hour of the day he had entered into his Master's service, yet he should receive his penny. From that time he lay quiet, and about twelve o'clock, after three groans, without any other struggling or passion of death, he breathed out his soul, and his body was interred in the cathedral church of Worcester: for though, according to his orders for 433
burying him with his ancestors at Hamilton, his servants did move earnestly that they might have leave to carry his body to Scotland, yet it was flatly denied.

34 When the news of his death was carried to Scotland, his will was opened, which follows:

In the name of God, Amen.

I William duke of Hamilton, &c., being, I thank God, in perfect health, yet considering the uncertainty thereof, and the many dangers that all men are subject to, and few more than myself, am desirous to leave my worldly affairs at the time of my death in the best order I can, as it shall please the Lord to direct me, to whose providence and dispensation I humbly and wholly submit myself, falling down before the throne of his mercy, who is both the just inflicter of death upon us, and the merciful saviour of us in it and from it, who is the fountain of eternal life, and in whom there is no shadow of death. Thou, O my Saviour, who knows what it is to die with me as a man, make me to know what it is to pass through death to life with thee, my God: make me content to leave the

world's nothing, that I may come really to enjoy all in thee, who hast made Christ to me in life again, and (trusting only in his merits and mediation) will in death be advantage. Charge me not, O Lord, with the sins of my parents, nor with the multitude and heinousness of my transgressions, which I acknowledge before thee. Remember thy compassions of old, and thy lovingkindness, which have been for many generations. Be merciful unto me, O Lord, for my soul trusteth in thee; though thou shouldest kill me, yet will I trust in thy mercy and my Saviour's merits, for I know that my Redeemer liveth: though thou leadest me through the valley and shadow of death, yet shall I fear none evil, falling into the arms of thy tender and eternal mercies. O withdraw not thy favour from me, which is better than life; be not far from me, for I know not how near death is to me. *Lord, let thy servant depart in peace, for mine eyes have seen thy salvation.*

My body I bequeath to the grave, and desire to have it buried in the ordinary burialplace of my ancestors at Hamilton, and that no ceremony nor pomp at all be used at the interring of my sinful carcass, which hath so much offended and dishonoured God; yet through faith I hope it shall be sprinkled with the precious blood of Jesus Christ, and being reunited with my soul, shall together rise in glory, reconciled with the Father, to enjoy eternal happiness with him in heaven.

35 After this follow the particulars of the will, which he concludes in the following words:

And now, O Lord, pity me in my low condition, and bring me out of my troubles; though the number of my enemies be great, yet thou canst disappoint their counsels; keep them, Lord, from prevailing, and turn them back that persecute my soul. If it be thy will, O Lord, restore me to my country, that there in peace I may finish the course of my pilgrimage in thy fear, and live loyal and obedient to my gracious king Charles the Second, and faithful and dutiful to my country: and as I trust that through the merits and mediation of Jesus Christ, thou hast forgiven all the errors of my 434
life, so I beg and hope thou wilt save me from the terrors of death. Let not, O Lord, at that last hour my soul be desolate and forsaken; let not those saving truths I have formerly learned then fail my memory, nor the sweet effusions of thy Spirit, which I have sometimes felt, then be wanting to my heart; be with me at that time, O Lord, in a special manner, and send the blessed Comforter to assure me of salvation, that I may die with joy, and leave this world with contentment, since I shall be confident of the remission of my sins

through Christ Jesus, and of my going to that place of eternal happiness which thou hast prepared for all them that fear thee in Christ; to which place bring me for his sake, to whom, with Thee and the blessed Spirit of grace, be all honour, praise, and glory, for ever and ever, *Amen.* Written by myself at the Hague in Holland, the 21st of March, 1650.

HAMILTON.

36 To which shall be added a letter that was sealed up with his will to his lady:

DEAR HEART,

Although a very short stay in this place may possibly endanger my life, yet seeing these may chance to be the last words you are ever to receive from me, no hazard shall keep me from letting you know how sensible I am of the great love and kindness you have always had for me, for which the Lord reward you, unto whose protection I leave you: and as I do recommend you to God, who will be near unto all that call upon him, and fulfil the desires of them that fear him, and preserve all them that love him; so I do recommend you unto yourself, that you would labour to serve, fear, and love the Lord God, and set Him before your eyes in all your ways. Continue (as I have often been a witness to) your daily practice in reading the word of God, which will be *a lamp unto your feet, and light unto your paths.* Look not with prejudice upon any of the messengers of his word, but reverence them for their message sake: be not too confident of your own opinions, but examine them by the touchstone of God's word, and refuse not to hear the admonition of his servants. Repine not at God's ways or dispensations to you, but be patient in affliction, that you may say with David, *I held my tongue, I opened not my mouth, because thou didst it.* For you may have this comfort, that *whom God loves he chastens;* and really, if God had not said it, man would hardly believe that affliction cometh from his love. But if we admit his truth, and consider experience, we shall find that he often afflicteth them most whom he loveth most and who most love him. As for those whose eyes stand out with fatness, and have more than their hearts can wish, he setteth them on slippery places, and feeds them as oxen to the slaughter. He is nearer to us in affliction than in prosperity, and we are nearer unto Him: it is his menage to bring us home from our wanderings, at least I have looked upon it so as to myself, which makes me thus desire you may so receive his visitations. Be frequent in prayer, and limit not the Spirit in you to the conceptions of other men: shun all vain and idle company and conversation, and pray to the Lord to set

a watch before your mouth, and to keep the door of your lips. Forget and hate the empty pleasures of a licentious court, or of London, and with David pray, *Turn away my eyes from beholding* 435
vanity, and quicken thou me in thy way. Be not hasty nor passionate, keep not anger in your heart against any, have charity for all men, even for them whom you may look upon as your enemies, and study still rather to put the best than worst construction upon the actions of any. Examine yourself every night what good you have done the preceding day, and remember still that you are one day nearer that in which you must give an account to God of all your actions, on whose mercy to you let your earliest and latest thoughts be always fixed. Sweet heart, much more I would say, but you know I am pressed by time; but seek to God, and in Him you will find all things.

The next duty I shall recommend to you is that which you must pay your king: I know you need no incitements to this duty, else I would insist longer upon it; but I conceive it mine to recommend it to you as the earthly thing which in the first place you ought to study.

Next unto that, prefer your duty to the preservation of the house of Hamilton to all things else in this world, and make no difference in the testimonies of your kindness to it, whether the Lord shall think fit to continue the memory of that house in your own or my dear brother's issue. And I do conjure you, if you have any respect to my desires, not to suffer any difference or mistakes to arise betwixt you and them; but remember him who preferred me to them, and what consequently my duty and yours is to his.

Next, I recommend to you the care of the education of our children: for the Lord's sake study to get them acquainted with God in their young years, and to imprint His fear in their tender hearts; keep all light and idle company from them, and labour to make them rich in piety and virtue, loyal to their king, and dutiful to the house of Hamilton.

As I hope all my friends and kindred will be dutiful to you, so I entreat you, for my sake, continue your respects and kindness to them.

Be careful to keep none but pious and discreet servants in your family, that the Lord being served and worshipped in it according to his will, may delight to dwell in it, and to bless every member of it.

And now, sweet heart, seeing you know that these divers years my life hath been a burden to me, receive my removal as a mercy from God, with that moderation which he commandeth and the hope of

a joyful meeting in our resurrection persuadeth; being confident that the Lord hath placed me in eternal happiness with himself in heaven, where he hath already laid up some pieces of myself, little James and Diana. The Lord, who hath wounded you, bind up your sores, and pour the balm of Gilead in your heart, even the comforts of the Holy Spirit, in the assurance of the remission of your sins, and peace with him in Jesus Christ, that his grace in you may shine to the world in a godly and virtuous life, which having finished in his fear, you may hereafter enter with Him into that glory, which I trust in the mercies and mediation of Jesus Christ my Redeemer I shall be sharing of, when you shall be reading these last words and expressions from, dear heart,

Your
HAMILTON.

The dispositions which you made to me of your lands in England 436
I do here again return to you, to be disposed upon by you as you shall think fit, being confident that you will not wrong the house of Hamilton or your children in the disposal thereof.

37 I shall conclude this work with these papers, which, though some nice palates may think not so fit for the public, and better for private closets than the world, yet I could not be of that opinion; for in an age in which the sense of piety and religion is so much decayed, I thought such testimonies to the power of it were not to be suppressed; by which it will appear, that a high-spirited and great person, who had tasted of all the follies that bewitch the greatest part of men, did in end, in the vigour of his years and spirits, abandon them with all the seriousness of a hearty and lively repentance, and found in God and true religion such solid satisfaction and joy as did wholly overcome him, and engage him into a course of strict piety and of a holy life. I wish this may work some effect upon a loose and debauched generation; and if the world becomes either better or wiser through my pains, I have gained my chief end and design in this work.

THE END.

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